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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**Second Session, 34th Parliament**  
Wednesday 5 July 1989

Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 5 July 1989

The House met at 1330.

Prayers.

## MEMBERS' STATEMENTS

### ENVIRONMENTAL RIGHTS

**Mrs Grier:** Last Thursday all parties in this House voted to support my private member's environmental bill of rights. In December 1987 a similar bill was referred to the standing committee on resources development. However, government members on the committee consistently refused to deal with it despite the fact that the Minister of the Environment (Mr Bradley) had said: "The legislation will now be brought before the standing committee on resources development for review. I am confident that the legislation will be improved and strengthened by this review."

In order to improve and strengthen the legislation, I overhauled my original bill and introduced a new and improved bill of rights. But to have second reading on this new bill, I had to ask the government House leader to move a motion withdrawing the first bill from the agenda of the resources committee. This he readily agreed to do and the motion was moved and passed last Wednesday.

The next day, Thursday 29 June, 66 members were here to vote in favour of my revised environmental bill of rights. When I asked that the revised bill be referred to the resources committee, government members said they wanted it referred to the committee of the whole House. As there is no provision for the committee of the whole to hear submissions from the public, I opposed this proposal.

When the matter was put to a vote, 44 Liberals voted against sending my bill to the resources committee. On Wednesday the resources committee had an environmental bill of rights on its agenda, on Thursday it had not—a tricky procedural manoeuvre. What a clever government we have. Too bad their commitment to the environment does not equal their hypocrisy.

### ASSISTANCE TO FARMERS

**Mr McLean:** My statement is directed to the Minister of Agriculture and Food (Mr Riddell).

The minister recently chopped \$23 million from the 1989-90 farm tax rebate program before determining how or whether it could be done fairly and he cancelled the interim payment normally made under the farm tax rebate program with little notice and no consultation.

I do not believe these actions are in the farmers' best interests and I think the cabinet should reconsider this matter at the earliest possible opportunity. The minister's actions in restructuring the farm tax rebate program will yield uncertain results, leave unaddressed the interactions between the program's costs and municipal assessment and financing, and lead to conflict with other policy objectives such as wetlands or food land conservation.

I am extremely disappointed that the budget made no commitment to continuing the Ontario family farm interest rate reduction program to help with high interest rates. I am also disappointed that the budget contained no additional funds for the crop insurance program.

We have been lobbying the federal government that no capping of industrial or fluid milk take place. We are not in favour of capping. Farmers have repeatedly expressed a willingness to review any problems the government has with the operations of these programs, but the minister has not taken them up on their offer. Maybe the time has come for some serious consultation with the people who put the food on our tables. The minister is shafting the farmers of Ontario.

### QUEEN'S PARK

**Mr Tatham:** Let's move Queen's Park.

Why sit we here on real estate prime?

Let us depart before 2000 time.

Find us a green, peaceful place with fresh air,  
no gridlock of cars and grim people's stare.

Seek us a veil from this babble of shrill,  
the country serene our thoughts should instil,  
a considered and calm reflection for bills,  
influenced by the beauty of tree-clothed hills.

Find us this home for our Legislature,  
away to the bosom of Mother Nature.

The money we'll make when we sell this  
old gal,  
should finance a home for all our old pals.



What? Sell Queen's Park? Never.  
 But, kind sir, how can I get there?  
 The highways are plugged with cars that we  
 make.  
 Trying to fly could be a mistake.  
 Then, queried the lad, what about rail?  
 High-speed trains, don't you agree?  
 Freedom from traffic for you and for me.  
 Agreed?

### ABORTION

**Mr R. F. Johnston:** A year and a half ago, Chief Justice Brian Dickson said the following: "Forcing a woman by threat of criminal sanction to carry a foetus to term unless she meets certain criteria unrelated to her own priorities and aspirations is a profound interference with a woman's body" and thus in violation of security of the person.

Yesterday's decision by a Supreme Court justice in this province, Mr O'Driscoll, is an outrage to women in the province, an affront to their sense of autonomy. It is basically a reversion to notions of women as chattels that a third-party male should be able to make a decision which would hamper a woman's right to have an abortion if she makes that kind of a decision.

It is something on which we hope the Attorney General (Mr Scott) would be making a statement today and on which the government would be making very clear policy, because now we have our federal government suggesting this should be a provincial issue, following the lead of the United States, and we have a provincial judge in this province who is making decisions which are surely some of the most damaging to women's rights that we have seen in the last number of generations.

### PRESCRIBED BURN

**Mr Villeneuve:** I would like to take this opportunity to inform the House that on 1 July 1989 at approximately 3 pm, the Ministry of Natural Resources set a prescribed burn. The location of this prescribed burn was between Wawa and Chapleau, about 10 kilometres from the Shoals Provincial Park on Highway 101.

The burn was set by ministry personnel working on overtime pay during a high-fire-weather rating. This high rating means a fire could start with ease and spread rapidly. In addition to the high rating, in past years the area has been hit by an outbreak of spruce budworm and the loss of foliage had resulted in the trees

becoming much drier than normal, causing an even higher risk of fire spreading quickly.

There are currently 490 hectares of forest burning, with 56 firefighters, three helicopters and two waterbombers on site working on this prescribed but out-of-control burn. This is the most serious forest fire burning in Ontario right now. It was set by officials of the Ministry of Natural Resources at a time of year when the danger of fire is increased by the threat of lightning strikes. The timing of this prescribed burn shows poor judgement at best.

As of this morning the fire was still rated as not under control. I am afraid the credibility rating of the minister and the ministry is similar: not under control.

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### BALLET OPERA HOUSE

**Mr Elliot:** My statement pertains to the proposed new ballet opera house to be built here in the heart of this great city. This will be an important addition to the cultural life of our provincial capital.

Several ballet dancers I know have gone to Europe for additional training or employment because presentation facilities are inadequate here at present. This is unfortunate, since the Ministry of Culture and Communications has done an excellent job over the past several decades of building a first-class developmental program for potential dancers here in Ontario. As well, the National Ballet School and the National Ballet of Canada have been doing an excellent job in training ballet dancers. The only thing lacking in this most successful equation is the final top-level performing outlet, which will be satisfied by the establishment of the ballet opera facility under way.

Hopefully, in the initial planning stages the need for ready access to the facility by our disabled and by our seniors will be incorporated. Relatively low-cost access to this world-class facility and its better seats is essential if it is to serve all the people of this great city and province.

I am extremely pleased my government has offered to supply the land for this important addition to Toronto and Ontario.

### RAPE CRISIS CENTRES

**Mr Hampton:** Last week the Peterborough Rape Crisis Centre came within a few hours of having to close its doors through lack of funding. At the very last minute, the government came up



with the funds to enable the centre to remain open until the fall.

Some people in the government might term this situation acceptable, but on our side of the House, and speaking as an individual member, what we have seen happen time and time again to different rape crisis centres across the province is not at all acceptable. It is totally unacceptable that various rape crisis centres have to come to this government days or hours before the imminent closure of their doors to ask for emergency funding.

The time is now long overdue for the government to present a policy and a program which will guarantee adequate funding up front for rape crisis centres so that they may do the very important work they are charged with doing. To have them go on in a situation where they do not know from month to month or from a few months to a few months whether or not they will have adequate funding is totally inexcusable in today's environment. The government ought to act now and it ought to bring forward a better program immediately.

#### STATEMENTS BY THE MINISTRY

##### NATIVE LEGAL SERVICES CORPORATION

**Hon Mr Scott:** I would like to inform the assembly of a significant and unique development in the provision of legal services to remote northern native communities and in the concomitant assumption of responsibility by native people for the delivery of important legal services to their communities.

Thanks to joint efforts by the Nishnawbe-Aski Nation, the Ontario legal aid plan and officials of my ministry, agreement has now been reached, a first in Ontario, on an appropriate model to meet the legal needs of residents of Nishnawbe-Aski Nation communities that are located primarily in the Hudson Bay and James Bay areas.

The government has approved in principle and has agreed to provide funding for a native legal services corporation to provide one-stop access to civil, criminal and family legal services to residents of the Nishnawbe-Aski Nation communities. The proposed legal services corporation is unique because it will provide in one delivery system the kinds of legal services offered both through the certificate side of the Ontario legal aid plan and through the community clinic program.

The new corporation is also designed to introduce native control into the delivery of legal services in remote northern reserves through a native board of directors, which will hire and

train lawyers and paralegals to provide direct legal services to community residents. Through an arrangement with the Ontario legal aid plan, most litigation will be performed by lawyers in private practice acting on certificates issued under the plan. These lawyers will be assisted by either native lawyers or native paralegals who reside in the Nishnawbe-Aski Nation communities, who will also be able to assume the conduct of minor proceedings in native justice-of-the-peace courts.

This new arrangement will permit native people to determine the priorities for legal services for themselves and in their own communities. For example, under the direction of the board, the corporation will be able to offer public legal education, cross-cultural training and the opportunity for natives to participate in law reform efforts as part of its mix of more traditional services.

I have discussed this matter with my federal colleague, the Honourable Doug Lewis, who has indicated to me his enthusiasm and interest in this project of ours. While the project is eligible for cost-sharing under the current federal cost-sharing arrangements for criminal and civil legal aid, the Minister of Justice has indicated that he would need to approach his cabinet to seek a separate agreement for direct cost-sharing for the northern legal services corporation. The federal minister also indicated that a special contribution agreement could be provided to assist in the initial phase of this unique endeavour.

Over the next few months, the Nishnawbe-Aski Nation and its leaders, the Ontario legal aid plan and officials of both governments will be working together to finalize an operational plan and a budget. I will be making an immediate grant to the Nishnawbe-Aski Nation of up to \$110,000 to permit the necessary consultation on these issues to take place with chiefs and residents of the Nishnawbe-Aski Nation communities.

I am delighted that both the federal government and the government of Ontario have been able to support this extremely important initiative on behalf of native people. It represents the type of responsibility that native people want to take over important matters affecting their lives. It has the potential to dramatically improve access to fundamental services for all residents in these small communities in the Nishnawbe-Aski Nation.

I want to take this occasion to personally congratulate Grand Chief Ben Cheechoo and Deputy Grand Chief Bill Mamakeesic of the



Nishnawbe-Aski Nation and Bob Holden of the Ontario legal aid plan for the strong personal support they have given us in this project. Without their commitment, their energy and their ideas, we would not be in a position to take this important step for Nishnawbe-Aski residents today.

#### BEER PRICING

**Hon R. F. Nixon:** I am announcing today the following changes to the charges applied to imported and domestic beer sold in Liquor Control Board of Ontario stores.

Effective 10 July 1989, a minimum net return will be applied equally to both imported and domestic beer. As well, all beer sold through LCBO stores will be subject to a minimum charge designed to ensure that all handling costs are recovered adequately. I expect that these changes will yield slightly more than \$1 million in 1989-90 in additional LCBO profits.

For consumers, the effect of these changes will vary according to the price of the product. While this new policy will have the effect of increasing the cost of some imported beer, the maximum price impact on any brand now for sale will be 70 cents per six-pack. Domestic beer sold through the LCBO will be subject to the same LCBO fees as imported beers.

These changes are being introduced in the context of a comprehensive review of Ontario's beer pricing policies, including both pricing mechanisms and taxation. The review is now under way to ensure that the demands of the marketplace and the consumer's range of choice are recognized in the policy framework.

Domestic brewers will continue to face strong competition and I expect the domestic industry to respond to these competitive pressures.

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#### INFLUENZA VACCINE

**Hon Mrs Caplan:** I am pleased to inform members that we are expanding the Ministry of Health's influenza vaccine program in preparation for next winter's flu season. Everyone considered at high risk for influenza complications will be eligible to receive vaccine free of charge this coming fall.

At high risk are people with chronic cardiac or pulmonary disorders severe enough to need medical follow-up or hospitalization. Residents of any age in nursing homes or chronic care facilities who have chronic medical conditions are also at high risk.

The expanded influenza vaccine program will now cover all people under the age of 65 with chronic diseases, including those with heart and lung disease, diabetes, renal dysfunction and anaemia as well as those with compromised immune systems, who require medical follow-up or hospitalization.

Until now, residents of the province aged 65 or older and anyone else who is a recipient of the Ontario drug benefit program were the only people eligible to receive influenza vaccine free of charge.

In expanding the program, my ministry has followed the recommendations of the National Advisory Committee on Immunization. Vaccine will be supplied to doctors across the province in the fall. Doctors can advise patients when the vaccine is available to them.

The cost of the expanded program is approximately \$1.7 million for the first year, based on estimates of the size of population at risk and the costs of the vaccine. We believe the costs may be offset by reduced hospitalization and morbidity during the flu season.

An annual vaccination enables people at risk to develop antibodies to circulating influenza strains and boosts protection from the previous year's vaccination. Flu outbreaks occur every winter. However, depending on the strain, the severity of the effect varies from year to year.

I urge everyone for whom flu poses a high risk to seriously consider being vaccinated. We will remind people again in the fall to consult their doctors if they think they need to be vaccinated.

#### RESPONSES

##### BEER PRICING

**Mr Laughren:** I wish to respond briefly to the announcement by the Treasurer (Mr R. F. Nixon). It was truly remarkable. It is only a couple of weeks ago that, when the domestic brewing industry said that it was unhappy with the low-priced American imported beers, the Treasurer stood up on his free-enterprise hind legs and said, "Lower your prices if you don't like it."

Today the Treasurer stands in his place and says he is going to raise the price of basically imported beers to protect the domestic industry, and he says by 70 cents a six-pack, which is \$2.80 for a case of 24. Only a Grinch would raise the price of beer in the middle of July.

Interjections.

**The Speaker:** Order.



## NATIVE LEGAL SERVICES CORPORATION

**Mr Pouliot:** I am honoured today to be the first member of the opposition to commend the Attorney General (Mr Scott) on his endeavour; however, I intend to be brief in commending him.

I wish to convey to him what he has indeed recognized, that the legal system that services on legal matters, on our justice system as it relates to our first Canadians and therefore our first Ontarians, is measured on a different scale. The lifeblood, the very lifestyle of those communities, one can readily acquiesce and imagine, is altogether at times different from what we take for granted or what we are accustomed to up north.

What strikes me, with high respect, is that we have been telling the minister that things are different. We came up time and time again, every member of our party, with the alternatives. We can read line by line the very message that we have conveyed to him. Nevertheless, it is his day. His efforts deserve a verbal pat on the back. Let's hope that this pilot project will serve as a model not only to Treaty 9, to Nishnawbe-Aski, but to all native Canadians in Ontario.

**Mr Hampton:** I also want to comment briefly upon the statement by the Attorney General as the minister responsible for native affairs. I want to say to him that I hope the model which he has announced today will not be just a pilot model or a pilot project, but rather will become the basis for a permanent model that will be extended not only to Treaty 9 but also to those many communities that belong to Treaty 3.

As the Attorney General should know, bands which are members of Treaty 3 have a much closer interaction with our justice system, it is much more frequent and, in too many cases, it is an inappropriate interaction in the sense that our justice system does not always treat them as it should.

I would hope that the Attorney General would use this as a permanent model and go forward very soon to provide the same kind of legal services to the bands of Treaty 3, which need this type of working arrangement very much.

**Mr Reville:** Just to add to the comments of my colleagues in respect to the announcement by the Attorney General, it is possible that the James Bay first nation will have early opportunity to use these legal services. Stay tuned for question period on that one.

## INFLUENZA VACCINE

**Mr Reville:** In response to the statement today by the Minister of Health (Mrs Caplan), I was not

expecting that minister to make any more statements, because she has already made all the statements advertised in the throne speech. Perhaps now she should just stay in her place and not say anything.

But this may be an opportunity—it is a nice little program—for the minister to practise the language that she is learning to use, and that is of course the language that I call healthspeak. Perhaps this is the harbinger of pharmacare—perhaps staged pharmacare? We start with high-risk and move through medium-risk to low-risk, and all the while “quality care as close to home as possible.” It is amazing.

## NATIVE LEGAL SERVICES CORPORATION

**Mr Sterling:** I was happy to see the Attorney General (Mr Scott) take a minor step towards allowing our native communities to be involved in the legal system of our province.

I want to talk positively about his announcement. I think it is a worthwhile announcement. It does beg the question, of course, of what else the Attorney General has been doing in his role as the minister responsible for native affairs, but I do want to congratulate him on this one small step. I am glad to see that our federal Minister of Justice is in support of him on this step.

I will look forward to seeing how it spins out and how it works out and would like to copy the example if in fact it does work out. I hope that there is a degree of accountability associated with the program so that we can ensure that if this model does not work, we will be willing to try others.

## INFLUENZA VACCINE

**Mr Harris:** I would like to respond just briefly to the Minister of Health (Mrs Caplan) on her statement. While it is a small step in the right direction, it again points out the difference in the statements by this Liberal government, including the Treasurer (Mr R. F. Nixon), who did not like me looking at him when I responded and was pointing the finger at the Minister of Health.

This Liberal government likes to make great proclamations of universally free, accessible everything, almost on demand. We have another example where that seems to be the statement and the impression that they are striving for. However, when it comes to a very low cost, minimal avoidance item, if you like, in the area of vaccination, we are still a long, long way from it being universally accessible to Ontarians; in fact, it continues to be universally inaccessible.



## BEER PRICING

**Mr Harris:** There is also a statement that the Treasurer (Mr R. F. Nixon) made, and this is the Treasurer who has announced that the consumer is being ripped off once again.

Let me first of all state that I am not unsupportive of equalizing our Canadian breweries with their American competitors. I believe that there should be a level playing field. Of course this is a problem that has been pointed out to the Treasurer on many occasions, but this is the same Treasurer who on 31 May said, "Well, the local brewers might very well sharpen their pencils, particularly on six-packs, which is where they are losing the market." Having for a number of months allowed this discrepancy and the inequity to exist, he continually pointed out that consumers could benefit if local breweries would sharpen their pencils.

1400

Finally, after having taken the time to assess the facts, and it took a long time, recognizing that there was a tax inequity, how is he going to level the playing field? He will level it by sticking it to the consumers and hiking taxes on imported beer. There were two other options, one of which was to reduce the taxation on the local products to equalize prices. The second option could have been to move halfway, if you like.

But this Liberal government has consistently chosen the option of grabbing every cent it possibly can off of every product. Indeed, the highlight of this statement is, "We're going to grab another million dollars off of the consumers as our way of equalizing prices." It is a terrible, terrible philosophy and mentality that I do not think the Treasurer I knew used to have. Obviously, it is one that the Premier (Mr Peterson) has ground into him, whipping him along into shape, saying, "This is the way we're going to operate."

**Mr Brandt:** In the brief time that is available after my colleague finished, I just want to say that although I share the concerns of the Treasurer with respect to the equalization of beer pricing in an attempt to bring it into a more level and balanced position, there is a very well put argument by the brewers of Ontario that they are at a distinct disadvantage with American imports.

Not only can none of these brewers supply beer to Labatt Park in London, but they cannot, from the domestic standpoint, supply beer equitably in competition with American imports.

I would ask the Treasurer to look at his entire policy; it needs revision.

## ORAL QUESTIONS

## ABORTION

**Mr B. Rae:** Because I know that the Attorney General has to leave the House to be a witness at another action, I wanted to ask him this today, if I could.

Mr Justice Dickson, the Chief Justice of Canada, said in the Morgentaler reference, and I am quoting from the judgement, "Forcing a woman by threat of criminal sanction to carry a foetus to term unless she meets certain criteria unrelated to her own priorities and aspirations is a profound interference with a woman's body and thus an infringement of security of the person."

In a judgement yesterday by Mr Justice O'Driscoll with respect to a young woman who is some 15 weeks pregnant, in an action brought by her former boyfriend, the judge decided to apparently ignore this decision of the Supreme Court of Canada and to grant the injunction to the boyfriend, thereby forcing the young woman to carry the pregnancy to term.

I wonder if the Attorney General can tell us what action he plans to take in order to ensure the integrity of the original Supreme Court of Canada decision and ultimately, more important even than that, ensure that Ms Dodd will be able to exercise her freedom of choice.

**Hon Mr Scott:** The honourable member is right. There is no criminal law in Canada that constrains a therapeutic abortion and, as the honourable member knows, it is provided as a health service in Ontario to those who seek it with the advice of their physician.

The difficulty about this case is that although the young woman was served with the process, she elected not to appear or to obtain legal aid for reasons that are not now clear. If she should express a desire to appeal in a public forum or to the government, we would then have an opportunity to provide assistance to her. If, however, she does not want to appeal and is content with the decision, it presents difficulties in terms of intervention. Our intervention to support the proceeding would be regarded askance if it were taken against the interest of the young woman.

So what we have to establish first is her interest and her disposition in this matter. When we do that, I will be able to advise the House more fully about steps that can be taken.

**Mr B. Rae:** I want to go on record as saying that I regard it as a tragedy that this young woman should have to go through a legal ordeal. She is



hearing-impaired and she has been through enough emotional trauma at this stage already without being forced to have to go through another appeal in a process which I am sure is extremely traumatic and upsetting for her.

The Supreme Court of Canada has said quite clearly and categorically that it is a matter of private right, that she is free to do it and that it is a freedom that she has the right to exercise. If I can quote, Madam Justice Wilson said: "It is not just a medical decision; it is a profound social and ethical one as well." It is a decision that pertains to the woman, not to some third party, not to somebody else, but it is her decision.

I want to go back to the Attorney General. Can he tell us what is now the law in Ontario, not just for Ms Dodd, but in fact for every other woman? Mr Justice O'Driscoll's decision has created legal chaos. Can he tell us what his message is to other women? Are they going to have to go through the courts?

**Hon Mr Scott:** The law of Ontario very clearly is that there is no prohibition against a therapeutic abortion procedure in the circumstances I previously outlined. The honourable member knows that is because criminalization of that act is a federal responsibility and the Supreme Court of Canada has struck down the provision that was designed in the Criminal Code to curtail it. As I have said to the honourable member, those services are provided as part of the health care services in the province for which the taxpayers pay.

The issue presented by the case is an important one, and I do not seek to minimize it. The reality is that I have no power to wipe out the decisions of independent courts. I often have thought it might be nice to have that from time to time but I do not, and therefore the only remedy is an appeal—

**Mr B. Rae:** In this case.

**Hon Mr Scott:** In this case.

**Mr B. Rae:** What of another case?

**Hon Mr Scott:** Other cases may be set right by this case, but the important question is to try to ascertain at this stage the intention of the young woman. I have indicated that our legal aid facilities are available to give her, informally or formally, whatever advice she requires to have.

**Mr R. F. Johnston:** We have to be very clear about this. There is a shroud hanging over all of the women of Ontario at this moment. They have been told basically by a judge in this province that any ex-boyfriend can have an unconditional control over their pregnancy, even if it threatens

the life of the individual. The foetus was made a ward of the state in this case.

What is the Attorney General's message to those people, because this young woman may very well not appeal for all sorts of very personal reasons? What is his message to the women of Ontario at the moment who now have a judge making this kind of decision here? What kind of policy statement is he going to make about what this government is willing to do to support them against this kind of action which turns them again into chattels in this kind of issue?

**Hon Mr Scott:** Even if the press is present it is not helpful to overreact. The reality is that women in Ontario must know, and we want them to know, that there is no law in Canada that constrains the delivery of this service and that it is funded in Ontario under the health plan. I counsel all women who may be served with process in this kind of case or any other kind of case to understand that decisions are made by independent judges about entitlements to remedies.

If they want assistance, then the taxpayers of Ontario provide it under the legal aid plan; but if they simply say they will not go to court, then they run the risk, as all of us do, that orders may be made against their interests. In that eventuality they may have rights to appeal and we are anxious to advance those rights as far as we can. But if the honourable member thinks that, like Robespierre, I can wipe the court aside, I have to tell him that I cannot do that.

**Mr B. Rae:** I guess what we would like is an assurance that there will not be other people who will be put through this torment. That is the assurance we want from the Attorney General.

**The Speaker:** Is your question to the Attorney General?

#### ENVACC RESOURCES INC

**Mr B. Rae:** My question is for the Deputy Premier in the absence of the Premier (Mr Peterson). We have received certain documents relating to the relationship between Envacc Resources and a company called Edgcumbe Consulting Services which was hired by Envacc Resources, various members of the government of Ontario and various ministries of the government of Ontario.

1410

An internal note as a result of the 23 June 1988 meeting of this group, including Mr Muzzo, with the Premier, at which the member for Mississauga West (Mr Mahoney) was present, indicates: "He"—that is to say, the Premier—"indicated to



Steve Mahoney that he should set up the political end of things with the Metro caucus, etc. He indicated that there would be hundreds of problems as this thing went along and that, through Steve and Eric, as they arose, we should come to him."

On page 2 of the same minutes, it says, "As the meeting was breaking up, he"—that is to say, the Premier—"said to Steve that as well as facilitating things, he should keep abreast of the project."

As a result of this meeting, the member for Mississauga West accompanied members of Envacc Resources to meetings in Japan. I wonder if the Deputy Premier can explain why the government of Ontario paid for that particular trip through the budget of the Ministry of Transportation.

**Hon R. F. Nixon:** First, I should make it clear in response to the question that there is nothing hidden about the trip of the member for Mississauga West to Japan. It was fully covered in the press at the time. He reported to his former colleagues on regional council in Mississauga and has made a formal report to the Premier. Any implication that somehow this is something that has recently been revealed by the probing of the Leader of the Opposition would be incorrect.

I think also the honourable member knows that the whole matter of waste disposal is an extremely important issue. The honourable member may think it is important only from some sort of a series of allegations of a political nature. Most of the people in the province are aware that this is a pressing issue and the honourable member for Mississauga West has been a leader during his days in regional council and in this Legislature in these matters. He was, and is, an obvious person to be selected by the government to go to Japan and make the investigations as to what procedures they use there in the control of these refuse materials, which perhaps some people think are even in advance of our own research and development.

**Mr B. Rae:** The issue is not the member's expertise; the issue is the relationship between this government and Envacc Resources, which is only one of a number of companies—and I understand there are also some public sector groups—that are making a bid on this question. The issue is the relationship between the member for Mississauga West and indeed other members of the government, including the Premier, and this particular company and the advantages given to this particular company by the government of Ontario. That is the issue of the day; that is the issue before us.

**Mr Black:** Be specific.

**Mr B. Rae:** I will be quite specific. My friends should listen up and they will hear.

**The Speaker:** Order.

**Mr B. Rae:** I wonder if the Deputy Premier can comment on this letter, on Government of Ontario, Canada, letterhead, to a Japanese company from the trade representative of the government of Ontario in Japan. As a background to the visit by Mr Mahoney, Dr Berry and Mr Edgcumbe, the letter says as follows: "The government of Ontario, Canada, has a plan to set up a waste management system to treat municipal solid waste amounting to 3,200,000 tons a year coming out in southern Ontario."

I might point out that this letter is dated 5 August 1988, long before the government of Ontario told anybody else about such a plan.

**The Speaker:** Question, please.

**Mr B. Rae:** "In an effort to prepare a recommendation and proposal for solving this problem, Mr Steve Mahoney, MPP; Dr E. E. Berry, E. E. Berry and Associates Ltd, and Mr D. L. Edgcumbe, Edgcumbe Consulting Services, are scheduled to come to Japan in the week of August 7"—

**The Speaker:** Do you have a question?

**Mr B. Rae:** The question I have for the Deputy Premier is simply this: Does he not realize that the impression given by this correspondence is that the government of Ontario is endorsing a particular private sector project for which Mr Mahoney was down there?

**Hon R. F. Nixon:** I certainly would like to disabuse the honourable member of that impression. He is surely aware—it has been reiterated and it is obvious—that any contracts of this nature that will be let in the future, as they have in the past, will be let by competitive tender. There is no reason other than that, and that is simply a fact.

An additional fact is that a member of the Legislature, who has the confidence of the government, has gone to Japan to see the state-of-the-art facilities there. This is not the first time that sort of travel has been undertaken, as the honourable member knows.

**Mr B. Rae:** Travel in search of an answer to a public policy problem is one thing; travel on behalf of a particular company is a very different kettle of fish when you have a competitive process.

I would like to ask the Deputy Premier: Was he aware of the fact that on 26 August 1988 a confidential memorandum on the letterhead of



Edgumbe Consulting Services was sent to J. M. Beatty at Gardiner, Roberts? Mr Beatty, as I am sure the Deputy Premier is fully aware, is one of the principals in the Envacc Resources group. It says:

"Dear Jim:

"On Monday, August 8, 1988, a short meeting in my hotel room was held to assess our meeting with Clean Japan Centre. Present were EEB, DLE and SM. This meeting was taped by myself and a transcript follows. Part of this is SM tape talking to my tape with him present."

We have several extensive memoranda from the member for Mississauga West on a confidential basis—

**The Speaker:** Thank you. Did you ask the member if he is aware?

**Mr B. Rae:** I want to ask the Deputy Premier: Does he not appreciate—we all understand that members are interested in public policy problems and go all over the world—

**The Speaker:** Question?

**Mr B. Rae:** The question is: Why is the member for Mississauga West dictating memoranda for Mr Beatty when he knows full well that Mr Beatty is a principal in Envacc Resources?

**Hon R. F. Nixon:** I would just say the interpretation the honourable member is putting on this matter is entirely erroneous. My colleague the member for Mississauga West went there simply to find out the facts in this difficult policy area, and as a matter of fact, many people feel the government should be moving very rapidly in order to move towards some sorts of solutions in this connection.

The fact that the honourable member recites some initials or the fact that a tape was used seems to have overtones of some nefarious deal. I simply reject that, and the fact that he introduces that stuff into his question is not the sort of thing that is appropriate in matters of public policy.

PATRICIA STARR

**Mr Brandt:** My question is to the Deputy Premier as well. It was two weeks ago that the Premier (Mr Peterson) of this province announced that a public inquiry would be held as soon as possible to get to the bottom of the issue relating to Mr Ashworth and Mrs Starr as well as Tridel Corp, and it was yesterday that the Attorney General (Mr Scott) indicated that it would be cabinet that would review the terms of reference for the inquiry prior to any final decisions being made.

I wonder if the Deputy Premier could confirm whether cabinet in fact at today's meeting dealt with the issue of the terms of reference for the inquiry so that we can be assured we are getting under way with this very important matter.

**Hon R. F. Nixon:** The honourable member, as a former cabinet minister, would know that I cannot and will not comment on that.

**Mr Brandt:** I thought it was a very reasonable question—

**Hon Mr Conway:** And I thought it was a reasonable answer.

**Mr Brandt:** —in that I was not asking him the decision that was made by cabinet, but the answer was not nearly as reasonable as my question was, I say to the government House leader.

My second question is that we on this side of the House have some concerns in regard to the question of when that matter, according to the direction suggested by the Attorney General, is pursued by cabinet and when it reviews the terms of reference, there are in fact certain identified cabinet ministers who may have a vested interest in the way in which those terms of reference are drafted.

Can the Deputy Premier give this House the assurance that those cabinet ministers who do have a direct and very public association with Mrs Starr that has already been identified will not be privy to that discussion in cabinet and will he in fact assure this House that they will absent themselves from that cabinet discussion?

**Hon R. F. Nixon:** No, of course not. The honourable member would know that orders in council are passed on the recommendation of the Premier and he consults with his colleagues in cabinet. When the order in council comes forward, it would be with that authority.

**Mr Brandt:** I have to say to the Deputy Premier I find this very strange. Those members of cabinet who do in fact have an association with Mrs Starr, and they know who they are, are in direct conflict. The minister says to me, by way of his answer, that they are going to be sitting there in judgement and are going to have some input into the structuring of the inquiry itself. Does he think that is fair and reasonable under the circumstances?

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**Hon R. F. Nixon:** The members of cabinet have the confidence of the Premier and they have sworn to participate in the duties that are assigned to them.



**Mr Brandt:** To the Deputy Premier: We understand now that, as a result of some of the delays that are built into the timing of this inquiry, we may go on for some time before information is shared with the members of this House in connection with some of the questions that we have been raising.

I wonder if the Deputy Premier could indicate to us when the public trustee's report is anticipated. Would he assure this House that it will be released to all members at the same time or is he going to attempt to keep that report quiet or in the bowels of the government in some fashion for some lengthy period of time?

**Hon R. F. Nixon:** I admire the honourable member's command of the language. I would say to him that at least one of the minor delays, I suppose, was the commitment of the Attorney General to consult with the leader of the third party on a private basis as he draws up the terms of reference that would be part of the order in council. I do not know when the public trustee's report will be available, although I was interested to see that there were reports in the media today and yesterday, I believe, about comments made by the public trustee.

**Mr Brandt:** Then could the Deputy Premier indicate to this House whether the Ontario Provincial Police investigation has in fact reached the point where a preliminary report has now been shared with the crown attorney placed in charge of this particular case? Peter Griffiths, I believe, is the gentleman's name.

**Hon R. F. Nixon:** I do not know that it has.

**Mr Brandt:** Well, we are getting a long way with this whole series of questions today. I wonder if the Deputy Premier could indicate whether or not he and the members of cabinet will be privy to any of the information that is going to be released by the Ontario Provincial Police at the time in which they release their report, or could he indicate to the House how it is intended that the report be released for public consumption?

**Hon R. F. Nixon:** I do not know that either.

#### ENVACC RESOURCES INC

**Mr B. Rae:** While he is on a roll, I wonder if I might ask another question to the Deputy Premier about somebody who—I understand from the government telephone book that Gardner Church in fact is responsible to the Deputy Premier and is within his ministry. That is my understanding. He is the deputy minister for the greater Toronto

area. I guess they had to put him somewhere and that is where I found him.

I have a memorandum from R. J. Ritchie of CP Rail who apparently had a meeting with Mr Church on 4 November 1988. I am sure the Deputy Premier will know that CP Rail is the parent company of Laidlaw, which is very much involved in the consortium with Envacc Resources.

I wonder if he could tell us why Mr Church would have stated as follows in this discussion: "This consortium"—that is to say, Envacc, Edgcumbe and Beatty, and Laidlaw—"was the most advanced in the recycling technology." He feels that, "The meeting with the Premier on January 7, 1989, will be very positive and the capability of the consortium to develop an alternative to the present dump sites will be enhanced if properly carried out."

I wonder why his deputy minister would be giving such a clear signal to one of what we now believe will be only one of several competitors that it is way ahead in the bidding race.

**Hon R. F. Nixon:** I do not want to confuse the honourable member, but Mr Church is not my deputy minister. If he wants to pursue that, I will explain it further, but I presume he made those statements because he believed them to be true.

**Mr B. Rae:** Who Mr Church reports to and who this greater Toronto area reports to is one of the great political mysteries of the Peterson government. But I would like to add another thing that Mr Church also said, and I am sure the Minister of the Environment (Mr Bradley) would be interested in this. He said:

"He feels that Toronto can get to 1993 or 1994 with the existing dump sites.... The best way to accomplish alternative solutions to present landfills is for the consortium to allow the public pressure to build. Landfills and dump sites are determined by the public. He indicated the public will be willing to pay more for recycling alternatives if pressure is allowed to build."

I wonder if the Deputy Premier can tell us, was Mr Church speaking for the government when he said that the best answer to our garbage problem was to allow the pressure to build and get worse before the government would do anything?

**Hon R. F. Nixon:** The honourable member once again has sort of got a two-part question. Mr Church actually reports to the cabinet committee on economic policy, which I chair. We can go into that in an even more intricate way if the member wishes.

I cannot particularly comment on what the member has read, but I believe if he thought



about it he would agree that it makes some sense that everybody in this community—probably including the Leader of the Opposition—is aware of the difficulty inherent in this issue, which has been growing and building in pressure, if he and Mr Church want to put it that way, for a good long time.

One of the best initiatives in this connection that has come along recently has been recycling, and the member would know how well that has been accepted, probably even in his own household. It is an excellent program indeed and there were even some changes in the budget regarding revenue that is designed to expand that program and see that it is properly funded. So, in many respects the public consciousness of the problem that the member has referred to in these last series of questions has certainly responded into its acceptance of this recycling alternative, which I believe is an important one and I know the member would agree with me.

#### PREMIER'S OFFICE LEGAL COUNSEL

**Mr Harris:** I would like to ask the Deputy Premier, in his role as Deputy Premier, if he can tell this House why the Premier (Mr Peterson) needs legal counsel to tell him what to reveal and what not to reveal, and second, does he think it is appropriate that the taxpayers should pay for that legal counsel in this whole question of the inquiry he is going to be involved in?

**Hon R. F. Nixon:** The member may be referring to Mr Goudge. I presume that he is. Mr Goudge is employed by the Premier's office on a contract. He is not retained to advise the Premier on what to say and what not to say. He is there to do a job of work in the Premier's office that the member would, I would expect, applaud. I think it is very important that a person of his talent is there under these circumstances.

**Mr Harris:** When the conflict-of-interest rules were being developed and the standing committee on the Legislative Assembly was looking at them, there was a motion that was moved by one of the members that before the disclosure statement is filed, the member and his or her spouse and minor children are entitled to obtain legal advice on it at the expense of the Legislative Assembly fund. That was ruled out of order because it came from an opposition member.

In fact, the Attorney General (Mr Scott) commented on that whole situation in this way. The Attorney General said, "The only reason you"—members of the opposition or ordinary members of the Legislature—"would want legal

advice is on the very dicey question: 'Should I tell them this or not? Do I really own it or don't I?' We do not want a lawyer giving you advice on that score. We want you to say what you believe you own or think you might own." That is what the Attorney General said when it came to legal advice for members or cabinet ministers on conflict of interest—

**The Speaker:** Question?

**Mr Harris:** Does he think it is appropriate that the Premier, at taxpayers' expense, has his own lawyer to give him advice—

**The Speaker:** Order. That is the same question.

**Hon R. F. Nixon:** I agree with what the Attorney General said and which was now quoted by the member of the third party. I simply say again that Mr Goudge is not retained to advise the Premier on anything but the conduct of his responsibility in the Office of the Premier. It is quite appropriate and should be supported by all members of the House.

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#### SOCIAL ASSISTANCE

**Mr Tatham:** My question is for the Minister of Community and Social Services. The Transitions report has set out a suggested program for action by this government. We all recognize that there is support for this report from all our citizens. What has taken place to date?

**Hon Mr Sweeney:** The progress to date has been on three different fronts.

First, as the member well knows, about a month ago we announced a \$415-million initiative in this House that is going to provide a number of services to people, including support to families with children by increasing the children's benefits program, support to social assistance recipients who wish to go back into the workforce and support to those people who will continue to be on social assistance for a while with respect to their shelter subsidy costs.

The second initiative, of course, was my meeting with the other provincial ministers across the country and my meeting with the federal minister to involve them in the implementation of stages 3, 4 and 5.

The third initiative was to begin with my own staff rewriting the legislation so that we can change some of the procedures that are currently in place.

**Mr Tatham:** Is there any support coming from the federal government for this program?



**Hon Mr Sweeney:** About five or six weeks ago I met with the federal minister and he indicated that he would respond to my correspondence. As a matter of fact, just last week I received a letter from the Honourable Perrin Beatty indicating that he had a better understanding now of what initiatives we were trying to introduce into this province and a better understanding of the way in which some of the other initiatives which were proposed in the report could impact upon the rest of the country and that he was prepared to meet with me and with other ministers to begin the process of deciding how some of these other initiatives could be implemented.

That letter was received just about a week ago, and I find it encouraging that the federal minister would so write to me.

### HOSPITAL SERVICES

**Mr D. S. Cooke:** I have a question to the Minister of Health. I would like to ask the minister if she is aware, and I am sure she is now, of the case involving Edward Budd, who was rushed to Hotel Dieu of St Joseph Hospital in Windsor on 22 June with a dissecting aortic aneurysm. Dr Anderson tried for several hours to find hospital space at Toronto General Hospital, University Hospital in London and Victoria Hospital in London, and could not find a bed. As a result, the patient waited several hours, had to be taken to Detroit and ultimately died.

I would like to ask the minister if that case has been reported to her, whether she has investigated it and what she has to say.

**Hon Mrs Caplan:** In fact, the member knows, as I mentioned this to him yesterday privately in the House, that I was aware of the case that he mentions.

The doctors made the decision to transfer this patient to Detroit. In these kinds of emergency situations it is common for physicians to use their medical judgement and determine that a patient should be transferred to the nearest medical centre. In this case it was Detroit. We are part of an interprovincial and international network, as patients often come to Ontario for care.

This particular patient received his surgery within a few hours of becoming ill and, unfortunately, he passed away two days after receiving surgery in Detroit.

**Mr D. S. Cooke:** The minister obviously does not have the facts correct. Dr Anderson is quoted extensively in the newspaper article about this case and Dr Anderson states very clearly that they tried to get this person admitted in the two

London hospitals that carry out cardiac surgery and the Toronto General Hospital. The fact of the matter is that they were told there were no beds available. There was not a choice to go to the Detroit hospital; that was the only opportunity that was available to this family and to the doctors.

I would like to ask the minister why it is that beds for emergency heart surgery are not available in Ontario when the minister has said on very many occasions that, at the very least, in Ontario emergency surgery should be able to be carried out.

**Hon Mrs Caplan:** As I mentioned to the member in the House yesterday, the media reports are incorrect. As I understand it, the information I have is that while calls were made to London, the physician in charge of this case in fact did not call the Metro cardiovascular registry and triage to check availability. There was availability in Metropolitan Toronto.

We know how important it is for physicians to be aware of the triage so they can call. I can tell the member that we are expanding this triage and registry system throughout the province and using our very best efforts to ensure that physicians across the province know of its availability so that in an emergency situation, they can ensure that their patients have access to the services as part of our network, which we are building as close to home as possible.

But I would say very clearly to the member that it is always up to the physician in an emergency situation to use his judgement in sending the patient to the service which is nearest. If he wishes to send him to Detroit, and he did in this case, the Ontario health insurance plan and the Ministry of Health cover those expenses.

### PERINATAL CARE

**Mr Jackson:** My question is to the Minister of Health. Yesterday I raised some questions about Chedoke McMaster Hospitals. In response to her comments, the medical personnel at Chedoke McMaster have indicated that the regional program for the neonatal intensive care unit, to quote them directly, is "no longer a credible service" under her current funding formula.

Credibility in this case means that there are referrals of women with very high-risk pregnancies and they are being routinely turned away, thus increasing the chances of neurological damage and physical impairment as their new low-birth-weight children come into the world.



My question to the minister is, would she please tell this House why she responded to my question yesterday—this is from Hansard—by saying that “at present the capacity of our perinatal system in this province meets the recommendations of the report of the Advisory Committee on Reproductive Care,” when in fact the report specifically sets out quite a critical need to increase the number of beds per thousand in this province.

**Hon Mrs Caplan:** In fact, the report recommends a ratio of 1.75 and at the present time the capacity in this province, when one includes all the hospitals providing perinatal services, is about 1.9. Chedoke McMaster is but one of a number of hospitals, 13 in total, which are a part of a regional network providing highly specialized neonatal services.

I want to assure the member that the hospital has assured the ministry that its perinatal services are operational and functioning at the level which the ministry funds. Whoever are advising him are doing a disservice and a discredit to themselves to suggest that the hospital is not providing a very fine service, because we believe it is providing a fine service to the people of Ontario. I think the member should be aware of that.

**Mr Jackson:** The minister says that they are operating at their funding level; that is why they have cut back their beds. The minister was advised in this House yesterday of four premature babies who had to be turned away from that facility. She responded in this House that the system she funds is working well.

Two hours after she made that statement in this House, a doctor in Georgetown was making desperate phone calls to Chedoke McMaster which, incidentally, rejected a woman who was at 33 weeks' gestation, the placenta was separating, the mom was at risk of haemorrhaging to death and the baby was at risk of dying. The doctor then tried to get the mother and the child into—

**The Speaker:** The question?

**Mr Jackson:** —Women's College Hospital and was turned down there. He had to insist that—

**The Speaker:** The question?

**Mr Jackson:** —the Credit Valley Hospital accept this mom, and when it is only funded at a level-1 risk—

**The Speaker:** Thank you. If the member cannot ask the question—

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**Mr Jackson:** My question, very simply, is—

**The Speaker:** Please put it.

**Mr Jackson:** Is this the system the minister has relied on with her staff, who have told her this is a system that is working well, when the woman in Georgetown is put through this?

**Hon Mrs Caplan:** I would be very interested if the member would like to give me the details of the specific case.

It is very important for him to know that we have a system which involves 13 hospitals. At any given time, any one of those hospitals can be stressed and others can be underutilized. The whole purpose of the central registry and the central phone number is to ensure that patients are taken to the nearest available service.

I would say to the member that the information we have is that the present capacity within the system meets and in fact exceeds the recommendations of the reproductive care committee. We are always, of course, reviewing that, but if he has specific examples of individuals who are dissatisfied or to whom we can give information within the physician community to make sure that they—

**The Speaker:** Thank you.

#### FARM TAX REBATE

**Mrs Fawcett:** My question is for the Minister of Agriculture and Food. I have in my hand a copy of the Tuesday 20 June edition of Farm and Country. Throughout this particular edition, there are several strongly worded articles suggesting that the farm tax rebate no longer exists. In fact, there is one page that has a copy of the farm tax rebate form with “Cancelled” stamped on it.

This has caused a great deal of confusion and concern in the agricultural portion of my riding of Northumberland. Could the minister please advise us as to the status of the farm tax rebate?

**Hon Mr Riddell:** I agree that the article the honourable member refers to may well have led readers to believe that the farm tax rebate program has been cancelled. The fact of the matter is that this program has not been cancelled. The farm tax rebate will amount to \$140 million in 1989, compared to less than \$100 million in 1985 at the time when the administration of this province changed.

However, I will say that the program will be changed to ensure that benefits are targeted to bona fide farmers, according to the original intent of the program. If anybody wants to know what the original intent is, he should just refer to the order in council passed in 1971. It says it right there.



This program will be thoroughly reviewed this year to determine the program criteria for the future, and all farm groups will have an opportunity to make their views known during this review.

**Mrs Fawcett:** That was most reassuring, and I am sure my constituents will be most anxious to hear that.

My supplementary is, when can those eligible for a farm tax rebate expect payment of this rebate?

**Hon Mr Riddell:** Payments will be made as farmers complete their applications and return them for processing. I expect that this will take place in October of this year.

### NATIVE HEALTH SERVICES

**Mr Reville:** I have a question for the Minister of Health. The Mushkegowuk council, which represents the communities on western James Bay, is concerned that the Ministry of Health is allowing the James Bay General Hospital to collect payments from the elders for chronic care. As the minister will know, the Mushkegowuk council considers chronic care a health benefit conferred on the first nations by the treaties of 1905 and 1930. Why is the ministry allowing the hospital to collect those copayments?

**Hon Mrs Caplan:** As the member is aware, the copayment portion of chronic care represents the cost towards room and board but does not cover medical costs. He should be aware that all residents of Ontario are treated equally and all pay a chronic care copayment accordingly.

**Mr Reville:** I am not very interested in that mumbo-jumbo. Clearly, when the Mushkegowuk council inquired of the ministry on what authority these payments were being collected, there was no answer from the ministry for four months. At the end of the four months, there was an answer and it cited Ontario regulation 207/89, which was passed after the Mushkegowuk council inquired what authority the government had.

On Thursday last, the minister said that regulations in respect of nursing homes had to be delayed for two years because consultation was necessary, and we still do not have them. In this case, a regulation was passed by this cabinet after receiving a letter from the Mushkegowuk council. Is that because they did not give the government \$60,000?

**Hon Mrs Caplan:** I am not even going to respond to the offensive comment of the member

opposite, who should know better, and I think in fact does know better. He should know that the federal government does pay for copayment on behalf of native Ontarians in the area of ambulance services, and that all people in Ontario, all residents, are treated equally and all hospitals collect copayments for chronic care. If the natives wish to discuss this matter with the federal government, that is the appropriate authority for those discussions.

Interjections.

**The Speaker:** Order. Please allow other members to ask questions. The member for Riverdale had his opportunity. Now we will give the opportunity to the member for Leeds-Grenville to ask a question.

### OATH OF ALLEGIANCE

**Mr Runciman:** My question is to the Deputy Premier. In light of the Queen Mother's visit to the Legislature tomorrow, we in the Ontario Progressive Conservative Party thought it might be appropriate to determine whether he and his government colleagues support the position taken by the newly appointed police commissioner, Susan Eng, to not swear an oath of allegiance to Her Majesty the Queen.

**Hon R. F. Nixon:** I am very interested in the visit of the Queen Mother. I thought perhaps, as all of us here are loyalists of one degree or another, that the honourable member might like to know that 50 years ago when Their Majesties visited Toronto and this building and this very chamber, I, at the age of 11, was sitting right up under the clock. Their Majesties sat on double thrones; one of them may be exactly where Mr Speaker sits now. His Majesty, as usual, had on his uniform of Admiral of the Fleet, with that kind of weird hat and long sword.

It was extremely impressive and interesting, Mr Speaker. I see you are taking notes. One of the things I remember is that Dr Dafoe, trivia aficionados would remember, brought the five Dionne quintuplets—well, if they were quintuplets, I guess there were five of them—all beautifully dressed.

If Susan Eng did what was legal, I guess it is all right with me.

**Mr Runciman:** I guess at the end of all that, the Deputy Premier indicated that he is in support of Ms Eng's refusal to take an oath of allegiance to Her Majesty. We have heard stories—rumours, if you will—that the government is considering amendments to the Police Act that will require commissioners to take an oath.



I wonder if the Deputy Premier can confirm that and, if indeed that amendment is forthcoming, whether it will also include retroactivity.

**Hon R. F. Nixon:** I cannot confirm that. I do not know whether it will or not.

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## WATER RESOURCES

**Miss Roberts:** I have a question for the Minister of the Environment. As I am sure the minister is aware, the availability of water in rural southwestern Ontario over the past few years has been a concern for a number of municipalities. Water is essential for economic development, residential growth and the provision of support services, such as fire prevention and protection in communities that are growing, much like the town of Aylmer in my riding.

Given the increasing need of communities like Aylmer to have a continuous and reliable supply of water available, what can a municipality do to increase its water supply?

**Hon Mr Bradley:** The member will know that when a municipality wishes to receive financial assistance for these purposes from the Ministry of the Environment, it makes a formal application to do so. All water and sewage project proposals referred to my ministry go to what is called the project priority evaluation committee, which objectively determines whether or not the proposed project is, first of all, eligible for funding under our existing grant structure.

It is at that time that the project, if eligible, is given a rating and that rating is based on health-, environmental- and growth-related aspects. A higher priority, as you would expect, Mr Speaker, is given to projects demonstrating a need for the improved health and environmental quality of the area. All eligible projects are then considered for financial assistance, and dependent upon the funds that are available in the fiscal year and the demonstrated need for the undertaking of a project, we approve a number of new works for construction. I could—

**The Speaker:** I am sure there might be more, but there might be a supplementary and you could be of help then.

**Miss Roberts:** I thank the minister very much for that information, but given the process he has outlined, if a review of the application concludes that the proposal has not met the minimum criteria to be considered for funding, what other avenues can or should a municipality explore to increase the local water supply in order that it can meet its needs in the short or the long term?

**Hon Mr Bradley:** If the project is deemed ineligible for funding, and that does happen in some circumstances, it is likely that there is not sufficient documentation to prove the need for the actual works to be constructed and that it was not adequately demonstrated in the proposal. PPEC, which I referred to, in the Ministry of the Environment will notify the proponent of this and will suggest that the proponent, if he or she has further information that might be provided in a further application, do so.

There is also the initiative one may take where a local municipality believes that for growth-related reasons it wishes to undertake such a project; in fact, it can undertake that project utilizing its own funds. The eligible funds that are provided by a number of ministries, including the Ministry of the Environment, are there, provided on a priority basis with strict criteria to determine where the need is most. In our case, as I say, it is in terms of health considerations and environmental considerations.

If a municipality is really in dire straits, approaches may also be made to other ministries that might be of some assistance to that particular community.

## SOCIAL ASSISTANCE

**Mr Allen:** I have a question for the Minister of Community and Social Services regarding the implementation of the Social Assistance Review Committee's report. He has announced \$80 million of new expenditures this year. He has not provided benefit increases for single disabled persons in subsidized housing. He gave single employables only half the increase SARC proposed. He did not lift the asset ceilings or change the asset rules. He did not extend eligibility to 18- or 20-year-olds living at home. He did not extend eligibility to refugee claimants or sponsored immigrants or anything the multi-cultural community was interested in. He has not improved case load ratios.

**The Speaker:** You have a question, I presume?

**Mr Allen:** He did not take the first steps towards the income supplementation and benefits to the working poor. He did not make special needs that are necessities mandatory. He did not introduce new policies regarding overpayments and has not—

**The Speaker:** I believe the question is, did the minister not do all those things?

**Mr Allen:** No, the question to the minister is, is he going to announce in the very near future



these measures, or if not, is he going to announce a timetable in which he is going to fulfil them?

**Hon Mr Sweeney:** I recollect that either that member or another member of his caucus made the observation prior to my announcement that if we got the \$400 million that was recommended in the SARC report, we would have done our job, and that if we did not get it, we would not have done our job. We got the \$400 million, plus.

I clearly indicated at the time of that announcement that this minister, this ministry and this government had to make choices, that the total number of recommendations in the report were far beyond the \$400-million figure. We had to make choices. I made those choices. I stand by those choices. Those choices included giving preference to families with children. Not only did we meet the recommendation; we exceeded the recommendation for families with children.

**The Speaker:** Thank you.

**Hon Mr Sweeney:** Those choices included providing sufficient funds for those—

**The Speaker:** Order.

**Mr Allen:** One is not going to get into a war of statistics, but in fact there was \$30 million of attrition on the original figures that projected the \$415 million in the first place.

One matter the minister has not attended to that was given intense scrutiny by the SARC report was the whole question of procedural fairness, not one of the more costly measures but one that certainly would deal more justly with the case load. He has not set up the council of users to review that whole process of discretionary decision-making or to advise generally on procedural fairness and the matter is urgent. For example, in Ottawa at the moment, the social services departments there are boasting publicly about the amount they are saving in pushing welfare recipients back to work.

**The Speaker:** And your question?

**Mr Allen:** I want to ask the minister if it appears to him to be procedurally fair for them on the one hand to be saying to people who have quit a job that they will not get payments for five days regardless of what the conditions of that work were—

**The Speaker:** Thank you.

**Mr Allen:** —or on the other hand, when these people go to work, they never follow up with regard to the nature of the work?

**The Speaker:** Order. I guess there was a question there.

**Hon Mr Sweeney:** I would point out to the honourable member that there were elements of procedural fairness within the recommendations that we have in fact met. The very first one we met, at the same time the report came out, was to provide for the cost of utilities for those people who did not have them included in the rent. That was a recommendation for procedural fairness and we met it.

Another recommendation for procedural fairness was with respect to 60-to 64-year-old men who did not have the same access to resources that women did. That was a recommendation. We met that recommendation.

A third recommendation with respect to procedural fairness was with respect to those people over the age of 65 who could not qualify for a Canada pension and who would lose some of their resources once they reached the age of 65. That was a recommendation. We met that recommendation and we are continuing to do so.

The honourable member talked about the funds for the disabled. I made a commitment when I became minister that I would ensure that the maximum amount available to the disabled in this process would equal or would exceed that available to elderly people from the guaranteed annual income system for the aged. That was one of procedural fairness. We met that one as well.

## HIGHWAY CONSTRUCTION

**Mr Cureatz:** I have a question for the Minister of Transportation. The minister knows that I have spoken to him privately, that I have written him letters and that I have complained about when he is going to reconstruct Highway 2 between Courtice and Bowmanville. He has put up a big fancy sign that says the road is going to be constructed. Over four weeks, I have not seen one shovel of dirt yet for its reconstruction. Not only that, Highway 2 from Bowmanville east through Newcastle to Newtonville now has a fancy sign on it.

I want to ask the minister, when is Highway 2 from Bowmanville east towards Newtonville going to be reconstructed? I have a picture of myself beside the new sign. I want to see if he can guess what his new sign says.

1500

**Hon Mr Fulton:** I could hear the member for Durham East, but I am having trouble seeing him, let alone seeing the picture. He is not doing our sign any credit at all.

The issue of Highway 2, which is some 40 years old in terms of the current surface, has been brought to me by the member, as he has



indicated, and by my friend the member for Northumberland (Mrs Fawcett) as well, as they share that same highway. He would be aware that some rehabilitation work is in fact taking place this year, and he would also know that we do not put dirt on a paved road. If you did, you would have a problem, but we do sometimes put it under.

We spend nearly \$300 million in maintenance on our highway system in Ontario. I think the member would be aware and I am sure would be the first to admit that never in the history of this province has he seen so much work, rehabilitation and new work, in this province.

**Mr Cureatz:** I say to the Treasurer (Mr R. F. Nixon), if he wants to listen, that it is a good thing the Queen Mother is not driving along Highway 2 in my riding because the chauffeur would have a tough time keeping the limo on the road.

**The Speaker:** The supplementary should go to the minister.

**Mr Cureatz:** I say to the minister, does he know what that sign says, the new sign he put up on Highway 2, the Queen's highway from Bowmanville out towards Newtonville? Here is what the sign says, "Rough road ahead." No walls, no barriers and now no roads in my riding of Durham East.

I say to the minister that I want to know if the reason he is not fixing up Highway 2 through my riding is that I am in opposition, and while he is at it, how about fixing up Highway 7A to Manchester and Scugog, and let's cut the grass his ministry owns at Kirby's store.

Interjections.

**The Speaker:** Order.

**Hon Mr Fulton:** I totally reject the allegation made by the member that because the highway goes through an opposition riding, we would not pay it the same attention we do anywhere else. I tell the member that the very highway he talks about starts in my riding.

## PETITIONS

### TEACHERS' SUPERANNUATION

**Mr Tatham:** "To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Whereas the government of Ontario in its discussions with the Ontario Teachers' Federation on amendments to the Teachers' Superannuation Act has refused to allow an equal partnership between teachers and government in management of the pension fund, establishment of an

acceptable contribution increase, benefit adjustments, equitable treatment of future surpluses and a satisfactory dispute resolution process,

"We, the undersigned, petition the Legislative Assembly to insist that the Treasurer of Ontario negotiate with the Ontario Teachers' Federation towards an equitable settlement."

It is signed by three people and yours truly.

**The Speaker:** Before I recognize any other members for the petitions, I find it very difficult to hear. It would be very helpful if—thank you.

### NATUROPATHY

**Mr Miller:** I have a petition here addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Whereas it is our constitutional right to have available and to choose the health care system of our preference;

"And whereas naturopathy has had self-governing status in Ontario for more than 42 years;

"We petition the Ontario Legislature to call on the government to introduce legislation that would guarantee naturopaths the right to practise their art and science to the fullest without prejudice or harassment."

It is signed by 20 constituents in the riding of Huron.

### TEACHERS' SUPERANNUATION

**Mr Brandt:** I have a petition to the Lieutenant Governor and the Legislative Assembly of Ontario, signed by a number of constituents of mine from the Sarnia riding. The petition goes on to outline the concerns of these constituents with respect to the problems of pension and the teachers' superannuation fund which they want to bring to the attention of this assembly.

### HIGHWAY SAFETY

**Mr Campbell:** I rise to present a very special petition from a group of students at Arthur Robinson Public School, a grade 6 class, who have been studying Ontario government. They have culminated their studies with a petition, and a very wise one I believe.

"To the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"In 1988, there were many deaths on Highway 69 south of Sudbury. We think that the dangerous shoulder lanes south of Parry Sound are a factor



in these accidents. We think that drivers should not be asked to drive on a paved shoulder.

"We believe that the government should attempt to make this highway safe. We ask that the government: (1) eliminate driving on the paved shoulders; and (2) increase Highway 69 to four lanes extending to Sudbury as soon as possible."

I affix my signature in support of the petition.

#### NATUROPATHY

**Mr Kanter:** I have a petition on the subject of naturopathy.

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Whereas it is my constitutional right to have available and to choose the health care system of my preference;

"And whereas naturopathy has had self-governing status in Ontario for more than 42 years;

"We petition the Ontario Legislature to call on the government to introduce legislation that would guarantee naturopaths the right to practise their art and science to the fullest without prejudice or harassment."

The petition is signed by 20 residents of Ontario and I have affixed my signature to this petition.

#### SECURITY IN PREMISES USED BY PUBLIC

**Mr Sterling:** "To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"We request that the Ministry of the Attorney General withdraw Bill 149, An Act to amend the Trespass to Property Act, which we believe is unnecessary and without mandate.

"While we respect the rights of minorities and youth, whom Bill 149 alleges to protect, we oppose the way in which the proposed legislation will erode the ability of owners and occupiers to provide a safe and hospitable environment for their patrons or customers. We are further concerned about the legislation's potential for increasing confrontation in the already difficult process of removing individuals who create disturbances on publicly used premises."

I have signed that along with 425 other petitioners. This brings to a total of 1,553 people in this province who would like to see an end to Bill 149.

#### TEACHERS' SUPERANNUATION

**Mr Reycraft:** I have four petitions. All of them are properly addressed and all of them call on the Treasurer of Ontario (Mr R. F. Nixon) to negotiate with the Ontario Teachers' Federation on the matter of the Teachers' Superannuation Act.

One of them is signed by 27 constituents from Wentworth North, the second by five constituents from Hamilton Centre, the third by 10 constituents from Scarborough East and the last by 33 constituents from the riding of Renfrew North. I have attached my signature to the petitions, as required by the rules.

#### ACADEMIC CURRICULUM

**Mr D. W. Smith:** I have six petitions here. They are all the same.

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"The Ministry of Education has made evolutionism a compulsory core unit in senior OAC (previously grade 13) history and science. Since evolutionism and creationism are completed acts in the past, neither can be proven nor disproven. In fairness to all parents and students, equal time should be given in presenting the underlying assumptions of each. Through the two-model approach, the skills of critical thinking such as recognition of bias, awareness of society's influence on one's bias and the awareness of assumptions can allow students to examine their own belief system and better appreciate an opposing view."

This is signed by approximately 56 members from the riding of Lambton, and Mississauga and Toronto. I will affix my name to the bottom.

**Mr Jackson:** I am pleased to present a petition.

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We beg leave to petition the government as follows:

"We, the business educators of Ontario, wish to inform the Legislature of our concern with the increasing of core curriculum, which will do nothing to improve the performance of young people or to encourage them to stay in school longer.

"We submit to you over 45 signatures and letters in the fervent hope that the government of Ontario will more adequately encourage business studies in the public school curriculum."



I have signed the petition and it also has my support.

1510

#### TEACHERS' SUPERANNUATION

**Mr Runciman:** I have two petitions, one dealing with concerns related to the Teachers' Superannuation Act and the management of the pensions by the government.

#### FRENCH-LANGUAGE SERVICES

**Mr Runciman:** The second I am tabling on behalf of my colleague the member for Hastings-Peterborough (Mr Pollock) who is, as most members know, under the weather and unable to deal with this himself at this time. This petition deals with concerns of residents in his riding in respect to the implementation procedures related to Bill 8, the French Language Services Act.

#### REPORT BY COMMITTEE

##### STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

Mr Furlong from the standing committee on regulations and private bills presented the following report and moved its adoption:

Your committee begs to report the following bills without amendment:

Bill Pr13, An Act respecting the City of Hamilton.

Bill Pr30, An Act respecting Regis College.

Your committee begs to report the following bills with certain amendments:

Bill Pr1, An Act respecting the City of Toronto.

Bill Pr16, An Act respecting London Regional Art and Historical Museums.

Motion agreed to.

#### MOTION

##### HOUSE SITTING

Mr Conway moved that, notwithstanding any standing order, the House shall meet in the afternoon tomorrow, Thursday 6 July 1989, from 1:15 pm to 2:15 pm and from 3:30 pm to 6 pm.

**Hon Mr Conway:** I would like, for the information of honourable members, to very briefly indicate that what we have agreed to is that tomorrow being Thursday we will have the normal sitting in the morning for private members' business.

Then, instead of meeting at 1:30 pm through until 6 pm, in recognition that the Queen Mother will be on the grounds tomorrow for an official

event between 2:30 pm and 3:15 pm, I believe it is, at which all honourable members, I know, will want to be in attendance, we have agreed that we will reconvene tomorrow at 1:15 pm for business that the House leaders will organize.

My guess is that we may have to move more quickly into question period simply to accommodate the business. We are going to have to try to organize the business to accommodate the visit and all members.

Motion agreed to.

#### INTRODUCTION OF BILLS

##### COURTS OF JUSTICE AMENDMENT ACT, 1989

Mr Sweeney, on behalf of Mr Scott, moved first reading of Bill 43, An Act to amend the Courts of Justice Act, 1984.

Motion agreed to.

**Hon Mr Sweeney:** A recent amendment to the rules of civil procedure eliminated automatic stays of order pending appeals. This bill would ensure that the automatic stay principle continues to apply, as before, to orders made under the Landlord and Tenant Act.

##### CENTRE CULTUREL D'ORLÉANS ACT, 1989

##### LOI DE 1989 SUR LE CENTRE CULTUREL D'ORLÉANS

Mr Morin moved first reading of Bill Pr6, An Act respecting the Cultural Centre of Orleans Act.

M. Morin propose la première lecture du projet de loi Pr6, Loi concernant le Centre culturel d'Orléans.

Motion agreed to.

La motion est adoptée.

##### TOBACCO SALE TO MINORS STATUTE LAW AMENDMENT ACT, 1989

Mr Sterling moved first reading of Bill 44, An Act to amend certain Acts Concerning the Sale of Tobacco to Minors.

Motion agreed to.

**Mr Sterling:** The purpose of this bill is to provide for better enforcement of the provisions in the Minors' Protection Act prohibiting the sale of tobacco to minors. The bill amends the Minors' Protection Act to increase the fine for selling tobacco to minors from a minimum of \$2 and a maximum of \$200 to a minimum of \$50 and a maximum of \$5,000. In setting the fine, judges are required to take into account the amount of



profit the vendor made from the sale of tobacco in the year preceding the conviction.

The bill also amends the Retail Sales Tax Act to require vendors to have an authorization attached to their vendor's permits in order to sell tobacco to customers. The authorization can be suspended or revoked if a vendor sells tobacco to a minor.

### ORDERS OF THE DAY

#### ASSESSMENT AMENDMENT ACT, 1989 (continued)

Resuming the adjourned debate on the motion for second reading of Bill 37, An Act to amend the Assessment Act.

**Mr Charlton:** When I ended my comments yesterday, I was talking about an example of a small businessman who had been in to see me in my riding, the impact on him of the business percentages in the Assessment Act and the inadequacy that we see in this piece of legislation because it fails to deal with the real problems that are there. It is like so many things that we have done over the course of the last 20 years since we had our first major study on the property tax problems in this province completed in 1967.

We have tinkered around the edges at playing with the problems, but politically we have run away from taking on the whole project of making property taxes in this province fair, equitable and understandable. In the case of the small businessman in question in my riding, some of the Liberal members, because I had not finished the example and I was forced to adjourn the debate, did not understand how it was connected with the bill. So I am going to try now to make that connection for members.

Essentially, this small businessman has a very small store. He has been operating that store for some 30 years in the area. He is an established part of the community. But I think, as all members understand, those very small, independent variety-type stores have been under and continue to be under severe pressure from the much larger manager-operated chain variety convenience stores that have been popping up all over the place over the course of the last 15 years.

There are a number of other things that are happening that result from the advent of those chain stores. The most recent thing to affect this particular small businessman is the fact that the soft drink companies have now said to him: "Look, the minimum order you could make for soft drinks was 15 cases. Now your minimum will be 35 cases." The storeroom he has out back will not handle that kind of load on a regular

basis. This has resulted, though, directly from the marketing practices and therefore the purchasing practices, the stocking practices, of the chain stores. It is putting this businessman at a very serious competitive disadvantage.

#### 1520

How does that relate to what we have here in these business percentages in the Assessment Act? I want members to think about why we have staggered business percentages. It was to try to create, 100 years ago, some fairness between different types of business with different kinds of competitive advantages in their operations. The minister does not seem to realize, though, that the graduation that is reflected in these business percentages is 100 years out of date. It has not been changed substantially in 100 years. There have been some tinkering changes, as we are doing here again today, but there have been no significant changes in the approach to these business percentages, where the business percentage applies to a whole category of business even though we know they are not similar in a competitive way any more.

The small men's clothing store that sits out on a main street strip kind of development is in a totally different circumstance than the men's clothing store in a large mall. They do not compete with each other. The men's clothing store in the mall competes with the other men's clothing stores in the mall and with the department stores around price and around quality, but it does not compete with the other businesses out there in the old strip developments in the older sections of our ridings and our cities. But under this piece of legislation, those people are all charged the same business tax at the same percentage as if they were comparable businesses. They are no longer comparable businesses. They have not been for years and years now.

The Smith commission in 1967, which did its work from 1963 to 1967, clearly set that out for us in hard, no-nonsense terms. The taxation of business properties was the subject of a special study by the Smith commission, and it could find absolutely nothing that lent support to the graded rate structure presently in the act. Unfortunately, this Legislature failed to deal with those recommendations.

Again in 1977 we had the report of the Commission on the Reform of Property Taxation in Ontario. They recommended in the strongest terms yet again the fact that the present graduated rate structure for application to business assessments in Ontario made no sense, was unfair and should be eliminated. Again, the Conservative



government of the day failed to have the political courage to take those property tax issues on.

I cannot blame this government for the failures in 1977, but what it is doing here today in 1989, 12 years later, is precisely the same thing: tinkering around with an inherently unfair, insupportable system. Both of those studies have clearly set that out after endless hearings across this province. It is time we had a government in this province that is prepared to stand up and to take on the political questions that are controversial rather than play around with questions like the fiasco we went through on Sunday shopping, and deal with some of the issues that have some real importance and impact for all the taxpayers in Ontario as reflected by the Assessment Act and the inequities that are still rampant right through the assessment system and are specifically reflected by the inequities in these graduated business percentages that apply.

Stop and think about it for a minute. We complain when a business that makes hundreds of millions of dollars of profit pays no income tax. Is it any fairer when two commercial enterprises—because they both happen to be retail and selling similar kinds of products, albeit the products of one may be triple the price of the products of the other, but they happen to be in some kind of accommodation that they run their business out of—are paying business taxes based on the assessed value of their property?

How many members from urban areas who have major malls in their areas have sat down and talked with the merchants in those malls about the level of rents they are paying in those malls in—I should not say less valuable—the urban areas of the province where real estate values have not escalated quite as quickly as in Metro Toronto. Even in those centres, merchants are paying \$30 and \$40 a square foot for rent. In some places here in Toronto they are paying as high as \$60, and probably even more in some of the newer malls.

Those merchants are paying their business taxes to the municipality based on those enormous speculative rents, rents that have been speculated up and up by the developers of this province, not by anything that is very sane or rational. Members have heard us talk in this Legislature about the speculation that is going on in the housing market, and that is bad enough, but these people are actually paying business taxes on their business based on that kind of unacceptable speculation.

Yet what do we do? We come in with a piece of legislation, Bill 37, and we tinker with one

percentage in a list of percentages that presently range from 25 per cent to 140 per cent. It will now range from 25 per cent to 75 per cent when this phase-out is finished under Bill 37, but the list will still be inherently unfair. It will not reflect anything that is real. Why are we tinkering with the top number on the list when we know the whole list is a problem? Why is this government not prepared to stand up and take action?

As my colleague the member for Windsor-Riverside (Mr D. S. Cooke) said yesterday in his comments, we have some sympathy for what is happening to the distillers. The 140 per cent is as insane today as the 25 per cent for car parks that I described yesterday, the very kinds of things we are trying to discourage in our downtown urban cores. We are trying to encourage people to use public transit, so whom do we tax at the lowest rate? Parking lots. So every time a building gets torn down, what goes in? A parking lot, for sure. It is going to provide a place for people to park, and reasonably cheaply, so that they can compete with public transit and will keep taking their cars downtown. Those very things that we are trying to discourage in our planning processes, we encourage in our taxation policy.

That list is as inherently stupid and counterproductive from one end to the other, but we are only tinkering with the top end of the list instead of dealing with the whole problem. I guess that is one of the reasons why we decided that we just could not support this bill. Every time this government's predecessor or this government comes in with minor amendments to the Assessment Act, minor amendments to the huge problem that exists out there in terms of property taxation, it puts the real reform off again that much further. Every time there is a little tinker that fixes some little thing that is part of a problem, it puts the overall package of reform, the overall striving for fairness and equity in a tax system further and further away from reality and implementation. I guess we have just reached the point where we are not prepared to countenance this kind of chicken tinkering any more. We cannot support Bill 37.

### 1530

**Mr Pope:** I will speak very briefly, because I know our party's position has been clearly set on the record by speakers for our party yesterday. The member for Markham (Mr Cousens) and the member for Carleton (Mr Sterling) both clearly indicated our party's position on this bill. I want to add a few comments just to indicate that in the consistency of our position there are a number of issues that have been raised by the speakers, and



we anticipate the answers of the Minister of Revenue (Mr Grandmaître) to these concerns.

Quite frankly, with due respect to the staff who are here, who give excellent policy advice to the minister from time to time, he usually does not follow it. I suspect that this is one of these areas in which there is more to the policy decision-making than merely advice of a revenue nature given by the dedicated civil servants who are paid to advise the minister.

In this whole area of spirits and wine and beer, this government is floundering. It started several years ago with a ruling of the General Agreement on Tariffs and Trade. It started before that with complaints from importers and other nations over unfavourable pricing practices, charges levied by the Liquor Control Board of Ontario and unfair trading practices.

It has had an impact on this government's stature as a fair trader in North America and in Europe, and this issue and the government's approach to it had an impact on the free trade debate. In fact, this government, for whatever reason it saw fit, used spirits and wine and beer as instruments with which to engage in guerrilla warfare with the federal government over international trade issues.

I think we are entitled to know from the Minister of Revenue whether there is another agenda here that is being set in the context of free trade disagreements between the federal and provincial governments and whether in fact the Minister of Revenue is opting for the same strategy that the Treasurer (Mr R. F. Nixon) adopted today; that is, the government does not level out the playing field, it increases taxes and it takes steps that are bound to lead to complaints from international competitors about competitive effects on the distilling industry.

Quite frankly, it is a very troublesome issue. I am not saying that it is exclusive to this administration at all, but in the context of the GATT ruling and our obligations, in the context of complaints of trading partners and people whose market we ourselves value, I think we are entitled to know.

**Hon Mr Grandmaître:** Loss of jobs through free trade.

**Mr Pope:** Yes, there are jobs involved. There are jobs involved in both ends of the equation, which is something that the government has understood when it came to trade.

**Hon Mr Grandmaître:** There have been 33,000 jobs lost in the last six months.

**Mr Pope:** The Minister of Revenue is now parroting a certain press conference held yester-

day by the Council of Canadians, or whatever they call themselves, with respect to 33,000 jobs lost, which leads me to believe that part of the agenda on this bill is, in fact, trade policy.

If that is the case, the minister had better stand up and say what the policy decision is with respect to trade—

**Hon Mr Grandmaître:** You are answering yourself.

**Mr Pope:** —and why again, as the minister seems to be confirming by his interjections, the minister is standing up and using a revenue piece of legislation to participate in a trade debate that was settled in the last federal election. For some reason, this government does not seem to understand that fact.

I think we are entitled to know what their policies are and whether or not this bill is an instrument of something other than revenue reform. We are entitled to know that. The member for Markham raised it as a question in his comments. Other members have raised it in their comments with respect to this bill and I think we are entitled to know. We are entitled to know from this minister.

We have a Treasurer today with respect to beer who at the end of May took one position on the issue of imported beer and today takes quite a different position, no doubt because it has been discussed in cabinet and there has been a decision made that they are going to start another uproar over the access of imported beer into this province—something almost as silly as their water bill, which was designed to do nothing more than provoke a confrontation with the federal government.

I think we are entitled to know what their agenda is and why the Treasurer would sock it to the consumers of this province for \$1 million in this simple announcement today, rather than reducing taxes and charges that the consumers—

**Hon Mr Wrye:** Perhaps the member could speak to the bill. Perhaps he could speak on Bill 37.

**Mr Pope:** If the Minister of Consumer and Commercial Relations wants to give a speech, why does he not stand up and give his speech? I will yield the floor for a few minutes and we will let him carry on with his statement that he is obviously anxious to make.

Interjections.

**The Deputy Speaker:** Order, please. Please continue. No interjections and please continue on Bill 37.



Interjection.

**Mr Pope:** The Minister of Northern Development (Mr Fontaine) as well wishes to make some statements. These interjections cause me to wonder whether or not there is something more to this than a simple revenue matter. Maybe I had better take some more time so that we can get to the bottom of it.

As I say—and there is some linkage in this—with respect to imported beer the Treasurer today indicated an increase in charges to the tune of \$1 million, the net effect of which was discussed by opposition spokesmen in response to the Treasurer's statement.

We know exactly what is going to happen. There are going to be complaints, again, against the Ontario government with respect to its policies on imports of beer and wine and distilled products into this jurisdiction. Once again Ontario is going to be at odds with the General Agreement on Tariffs and Trade, once again Ontario is going to be at odds with a federal or a national consensus with respect to this policy area, and we do not think it is appropriate that once again Ontario is the renegade when it comes to trying to develop a comprehensive national policy that is going to be acceptable in international trading circles.

Now, if we see in this bill that, rather than levelling the playing field, there is going to be another incentive, another financial initiative, another financial inducement offered to the domestic industry, at the same time that there is no move to level the playing field from the point of view of others who are competing on an import basis, we are entitled to know what the impact of this is going to be in the long term upon our exports to other jurisdictions.

Yes, tax policies, tax measures are reviewed by American authorities and by the General Agreement on Tariffs and Trade and by the European Community as indicators of government attitude towards imports. The indicators of that attitude towards imports reflect themselves in policies that may affect the ability, for instance, of dressed lumber and medium-density fibreboard products to gain access in the European market, something that many governments have worked on for a number of years. It affects the ability of Ontario lumber producers to gain access into the European common market, to get some compensation from the French government, and it has an impact on the ability of the Ontario Lumber Manufacturers Association in its efforts, along with its confrères from Quebec, to establish a presence for eastern Canada in the

European market. It is all related, and I do not think that to try to indicate that it is not is a fair assessment of it.

1540

I think the Minister of Revenue owes these kinds of explanations and clear statements to the Legislature and those who are looking on these proceedings, that kind of response and that kind of clear statement of policy, I would presume. What are the international trade consequences of this policy? Because surely that had to be examined by the cabinet when the decision was made to introduce this legislation, what the international trade consequences of this legislation are going to be. When the Minister of Revenue answers those questions, obviously we will have a clearer idea of the direction the government is heading in.

My colleagues, as I indicated earlier, put our party's position on the record. I respect their position and obviously our party will vote according to the position of our party that has been put forward in this assembly.

**Mr Allen:** I rise to speak briefly on Bill 137, An Act to amend the Assessment Act, with regard to the taxation of business properties. My colleagues have made a number of remarks, some more extensive than others, with respect to this bill and I find myself in general agreement with them. I am not going to take the same tack as the previous speaker, although I thought that his remarks were very well taken and the considerations he put forward ones the government needs to bear very much in mind on the kind of issue presented by this legislation.

I think a number of matters trouble us with regard to this legislation, not least of all the fact that it came into Orders and Notices very fast. The compendium, for example, is dated 15 May but the bill was not introduced nor the compendium tabled until 21 June, which is just a few days ago. Printed copies were not available until just shortly before this debate began and suddenly it has become a priority item. It does not really make a great deal of sense to us that this is the state of play with this bill at this point in time.

The purpose of the bill, of course, is to tackle one very specific item within the taxation of business properties; namely, that of the tax paid by distillers, which stands at the level of 140 per cent of the assessed value of the property and which is the highest tax paid by any corporate entity in the province. The proposal is that the assessment be reduced to the next highest level of taxation; namely, 75 per cent of assessed value.



What strikes us as most inappropriate about the legislation is that it fails yet again to tackle the question of the whole schedule of business properties taxation. It leaves the scandal of the differentials, which would still then range between 25 per cent and 75 per cent, standing in the legislation with no rationale provided for those percentages, nothing in terms of ability to pay or any other considerations that should be dictating those particular percentages.

Why then, one asks, should one move one of the percentages and not others or all? And if one moves them, to what level and why? Why is 75 per cent chosen rather than the 140 per cent for the distilling industry? There is no particular reason which makes sense of this legislation for us that would lead us to think we should vote for such a move.

The fact of the matter is that study after study of it in this Legislature by committees or commissions have recommended various alterations to the approach to business properties taxation. For example, the special study that was undertaken as long ago as 1967–22 years ago—recommended that there was no defensible reason for the structure of the rate assessments at that time. What it then went on to suggest was that there should be a flat business occupancy rate on a taxable assessment of 50 per cent.

Whatever was thought about that at the time, it was not implemented. Of course, there are problems with a flat rate too. A flat rate takes no account of the state of an industry, its market, its state of capital development or any other matters. There would still be winners and losers under a flat rate imposed on an unpredictable, unfair and discriminatory basis. So that was not a particularly happy solution and obviously it was not selected.

At the same time, a select committee of this Legislature looked over the matter and decided after all to go back to a graduated tax that would range between 10 per cent and 40 per cent. In the first place, we have a study recommending that there was no rational basis for a graduated business tax, and then the select committee recommends the exact reverse in its proposal. Again, nothing was done because obviously it was quite irrational to move counter to the proposal of the study in the first place.

Then, again, some 12 years ago the report of the Commission on the Reform of Property Taxation in Ontario concluded that a 50 per cent flat rate would be appropriate. But what was the reason? Essentially, the reason was that it would provide about the same amount of revenue as the

present graded rate system, and so we should go for it.

It sort of reminds us of the recent reaction of the Treasurer to the land speculation tax when it was proposed to him. He did not really consider whether this tax would have some beneficial results on the market in development land and therefore in the price of houses. All he was concerned about was whether it would raise more or less money. He said it did not have much advantage because it would not raise very much money for the government. Obviously, that is not a particularly sound basis upon which to calculate your taxation.

Yes, you do need a certain amount of money to do the things that government has to do, and so a total amount overall has to be raised to do those things. But when it comes to specific taxes and the divisions within specific taxes, it is quite obvious that the class of entities being taxed need to be dealt with fairly and without discrimination. In that respect, a 50 per cent flat tax is just as discriminatory as an arbitrary graded rate.

So once again, we come out of a proposal with a nonimplementation and we have stayed that way ever since. So when we come up to this particular proposal, we have nothing better to fly with than we had 22 years ago, 12 years ago or yesterday. All that we have is an irrational, arbitrary series of percentages that are discriminatory and help nobody. We do not see that in that context, we should be making any moves with regard to any of the business categories indicated at this point in time.

If the government wants to approach us with a proposal that makes some sense of business properties taxation, it should please present that to us. Let us look at it and examine it closely. But in the meantime, let's not kid ourselves that we are doing anything particularly important or helpful when we tinker around with these items one at a time.

We would propose that, for the time being, the current schedule simply be left frozen until a new one is worked out. It would appear, from certain other respects, that the proposal that is being made to alter the distillers tax is related in some fashion to the industry's claim that it is running below 50 per cent of capacity and that total sales volume has decreased since 1981 by 19 per cent.

Quite honestly, while I recognize that there are labour and job implications in any industry, I certainly recognize that the distilling and the brewing industries are not ones that are highly labour-intensive. Second, as was cited by our finance critic yesterday in story after story after



story in the newspapers reporting on the state of play of the profit situation of distillers and distilling industries in Ontario, it is quite obvious that the industry itself is not in any deep financial trouble. So the notion that this should be adjusted because the industry is somehow 50 per cent below capacity does not exactly strike a sympathetic chord with this particular member.

I should add to that that perhaps one might find some reason to rejoice if the distilling industry were running at 50 per cent of capacity and that in some fashion happened to reflect a lowered level of consumption in the public at large. Whether that is true or not, and I am not aware of the case, I would personally say with respect to the brewing industry, as well, I do not think either of those industries contributes a great deal to the welfare of this province overall, when one thinks of the correlation of alcohol consumption with a whole series of social problems that we all are very familiar with.

**1550**

A second reason I think this should not be granted to this particular industry under the circumstances is that it does not cover the social costs that arise from any of the problems that are associated with alcohol, whether one is talking about the health costs of individuals, the impact that has upon our hospital budgets, the slaughter on our highways, traffic control expenses, family breakdown problems, child and wife abuse and so on. One can go through a great series of social costs for which many of our ministries ante up a lot of money and which therefore the minister in charge of revenues has to provide for.

I see no reason why this industry should be given what amounts in effect to a more than \$4-million windfall by virtue of being removed from a 140 per cent taxation rate to a 75 per cent taxation rate. The amount is calculated, I should say, on the basis of the compensation that the Treasurer proposes to make to municipalities, the 14 of them that will be affected by this tax.

One assumes therefore that that is the amount of tax that will be rebated at the municipal level to the industry, or that it will not pay in the first place if not rebated. I should say also that there is a rebating element in this, inasmuch as it is retroactive to 1 December 1988. Again, for what reason, we are not apprised.

There is a still further concern one has to have with the legislation, that it reduces still further the amount of disclosure required on the part of corporations. We have always in this party advocated as much and as open a disclosure as possible with regard to corporate records.

We realize that has some sensitivity in the corporate sector. We realize that as long as one has a competitive economy, that can expose competitors somewhat mercilessly to other competitors. At the same time, a lot of benefits follow from open disclosure and open knowledge of corporate transactions and corporate conditions, both with regard to government that is seeking to regulate industry and with regard to unions that in order to act intelligently in their collective bargaining need to know the state of affairs in an accurate fashion of an industry so they too can gauge their steps with the greatest degree of wisdom and information.

There are a number of reasons why this legislation really does not stand the test. As I say, it comes down essentially for us to a question of whether we are going to tackle the central issue the legislation presents, that is, the whole question of taxation of business properties in and of itself as an issue, or whether we are going to keep on, year after year, tinkering around in such a fashion that is possible, when an industry approaches or a lobby comes and makes its case with the government, for the government to say, "Well, we can adjust the business properties tax for you a little bit." Somebody else comes and there is another proposition and you are just another one on the basis of an ad hoc lobbying process in which hardship is pleaded and tears are wept and finally the government is prevailed upon.

It is hardly a sensible process for a government to be involved in, especially if it is quite obvious that it does not have the criteria in place, does not have a sense of the way in which it wishes to tackle this particular issue. Until it does, I think the government should withhold all legislation pertaining to the subject. When it is ready to come forward with legislation of a more ambitious nature to address the central question, this party will be ready to stand up and debate and try to help the government come to a more sensible restructuring of business property taxation in Ontario.

**Mr Mackenzie:** I am pleased to rise in this House and speak briefly on Bill 37, An Act to amend the Assessment Act. I must state right off the start that it is one of the few occasions when I totally disagree with my colleague the member for Hamilton West (Mr Allen) and his comments that this particular bill does not stand the test in terms of priority legislation in this House. I think it does stand the test. I think it is a beautiful example of the Liberal priorities in Ontario at this particular point in time.



What have we got here? We have got here a bill before this House that the government claims is now a priority, that "provides for a reduction in the business assessment of land used by distilleries," a reduction from 140 per cent assessment to 75 per cent assessment, a \$4.25-million break, if you like, for the big liquor interests in Ontario. We get it very late. We get the printed copy two weeks ago, we get the compendium almost within a matter of days and we are told this is a priority bill that has got to go through.

Well, I do not know where you can get a better example of the Liberal priorities in Ontario. Is there priority pension indexing, which we have been arguing for two or three years now and on which we have had a study and a report? Lousy recommendations really, but asking for some move in terms of pension indexing for workers who need their pensions indexed. No, that is not the bill that is priority for the people of Ontario.

Is the priority health and safety, Bill 208, which workers across this province want because of the slaughter in the workplace in Ontario? No, we cannot get them to bring in that bill. Mind you, they have got an argument there. They say they do not want to bring that bill in until we have got rid of Bill 162. It is one of their other priorities, Bill 162, which is going to hurt injured workers across this province, cut the benefits that we have for workers in this province and allow deeming—almost unbelievable.

Is the priority plant closure legislation in Ontario as we see an increasing raft of plants close, probably because of free trade in this province? There is no point in continuing with the small branch plants in Ontario. No, that is not the priority legislation, even though I might say, like the pension indexing, the Premier (Mr Peterson) put his name on an accord with this party that said that was one of 22 items which were going to be carried out when we gave the Liberals the chance to form the government back in 1985.

They would do a number of things, two of which have not been carried out: (1) the indexing of private pensions and a decision on whether or not the surpluses in those pensions funds belonged to the workers, and (2) legislation to help protect workers, to allow more notice, to allow public justification before plants could arbitrarily close, throwing hundreds and thousands of workers out of jobs in this province. Is either of those items before us as a priority item from this government? No.

Is the issue of fair taxes before us, the issue of whether or not instead of increasing the sales tax,

an unfair tax, or this kind of a tax that gives a major break to the distilleries, do we have improvements in income tax, graduated income tax based on an ability to pay? Do we have speculation taxes to end some of the speculation in housing before us? No, that is not a priority of this government either. Do we have smoking in the workplace before us as a priority? No, that bill is obviously, if not down the tube totally, at least put on the back burner until next fall some time.

All of these items that many people might argue are priority items have not even seen the light of day in this Legislature. We have, on a matter of days' notice, this government saying, "Hey, Bill 37 is now a priority item"—which incidentally it was not three weeks ago—"and we now have to give a break of \$4.25 million to the big distilleries in Ontario."

I am the first to admit there is some rationale for the bill itself, but not as a priority. The only rationale I can give members for it is that I do not know how—

Interjection.

1600

**Mr Mackenzie:** Oh, unions are responsible, are they? It is nice to hear that. We will tell the unions that they are responsible.

We find that the current rate for property taxes, the graded rate schedule for business assessment in Ontario, for car parks is 25 per cent. One of my colleagues said we are trying to stop the cars from coming downtown or the traffic in; we have real problems with traffic. Maybe we should be looking at why they are only paying at a 25 per cent rate.

We have professional practices at a 50 per cent rate. We have retail stores at a 50 per cent rate in Ontario. We have manufacturing at a 60 per cent rate. Incidentally, few of them ever pay that 60 per cent, but that is the rate they are assessed at. We have brewers at 75 per cent, and I guess here is the rationale: We have brewers taxed at a 75 per cent rate but we have the distilleries taxed at a 140 per cent rate. We have wholesale and warehousing at 75 per cent. We have financial institutions at 75 per cent, yet in terms of other taxes they get one of the biggest free rides in Ontario.

So where are the priorities? Even if there is some rationale between 140 and 75, does it take precedence over all of the other issues I have raised in these few comments here in this House? I do not think so at all. It tells me that we have a government that simply does not know where it is going, unless, of course, this bill is a priority,



and I would raise it with members in this House, to give this additional \$4.25-million tax break to the big distillers—you look at the Reichmanns or some of the families that own them and you are talking about the most well-to-do and the wealthiest families in this country—because of the tax breaks it gives these big liquor interests, who in turn are pretty friendly with this Liberal government.

We find an awful lot of interests these days that are making all kinds of donations, many of them illegal, like charities giving money, tax credit rebates, to Liberal candidates in elections. Is that why we have this bill before us as a priority, because if we started investigating the election returns we would find that there are some nice donations from the liquor companies?

I suspect we would find quite a few here in Ontario. Is it because of this payoff from them? I think they should have to file all of the donations made over the last five years from the liquor interests in conjunction with this particular bill so that we could find out if there is any reason for this at all or not.

Interjections.

**Mr Mackenzie:** The members opposite do not seem to like that, so I will repeat it. Is the tax break for these big liquor interests for the donations they are giving to this party? It raises a question. When you take a look at the kinds of tax breaks the government is insisting on giving to the liquor industry in Ontario, you have to ask yourself, how much is the liquor industry in Ontario paying to deal with the problems that are caused because of it?

I am not a teetotaler. I like a glass of Scotch or a bottle of beer as much as anybody, but tell me: Is it the liquor industry that is paying for the welfare costs or the health costs or the broken family costs or the law costs that we have as a result of problems that result? No. We do not see these charges, which we in this party have argued for for a long time, assessed against the interests that are in effect responsible because of the product they manufacture, and they are pushing it in terms of sales. Instead, we see this Liberal government—not pensions, not safety and health legislation, but let's give another big tax break to the liquor interests in Ontario.

The other thing I want to say to all the members in this House is this: Can anybody here deny that what this legislation is is yet another pass-through of taxes that would normally be raised from major corporate interests that we, the municipalities through property tax or the taxpayers themselves, are going to have to pick up

through our taxes? There has been a tremendous transfer of taxes from corporate tax in this country on to low- and middle-income taxpayers and the workers of this province, and this will mean a further pass-through of costs on to individual taxpayers off the backs of the corporations.

Sitting in the standing committee on finance and economic affairs in recent weeks, we have had an interesting time of it. One of the things we have raised with the Treasurer and one of the things we found out in taking a look at where the income was coming from was that we saw the figures clearly verified exactly what I have said, that the corporations in this country are paying less and less of the tax load and individual taxpayers are paying more and more of it.

When we questioned the amount of money being raised by corporate taxes, one of the defences—and I wish he was here—that the Treasurer of this province put up was, “That’s not a totally fair argument, because as well as corporate taxes, many of these companies are paying capital taxes. There are substantial amounts of money there.”

We immediately asked the Treasury people to tell us where the capital taxes showed up in terms of the tax collection in the province of Ontario. Do members know the capital taxes are included in with corporate taxes? They were not separated in the documents. So the argument was a specious one to begin with that somehow or other this was an additional load of taxes.

The next question was obvious. We asked them what percentage—and I forget the figures now; it is several billion dollars in total, but it is down from what it used to be—of the corporate taxes was actually capital taxes and not corporate taxes. Do members know what it amounted to last year in Ontario? It was 11.8 per cent of the total collection from the companies. The capital tax argument that we got was a totally phoney one. It was 11.8 per cent of the money collected in the province of Ontario.

The point I am simply making here is that we are seeing a decrease in taxes from the major companies, and they are being offloaded on to the ordinary citizens in the province. It is a transfer through to individuals.

I simply say that anybody who can stand in this House and say that we have to rush this bill through—and we have none of the others. It has overnight become a priority item in the province, when we are going to have municipal taxpayers once again picking up the taxes that the province will not be collecting from these companies. I say



it is phoney and specious and it rather stinks, as do some of the other things that have been happening in Ontario over the past few weeks.

I certainly do not intend to support this particular bill.

**Hon Mr Wrye:** I had not intended to intervene, but I will very briefly, making a couple of comments about what I have just heard, which left me absolutely astounded.

The official opposition has apparently completely reversed a policy which it held during the minority Parliament and in committee. I am told that beyond my friend the member for Hamilton East (Mr Mackenzie), the member for Windsor-Riverside, whose riding is right next door to one of Windsor's largest employers, has now reversed his position. The more than 1,000 employees at Hiram Walker will find that reversal of position to be an interesting one.

I just want to say that during the last couple of years we have had extensive discussions, most importantly with the municipalities, as we have attempted to ensure that there was a proper sensitivity as this quite proper piece of legislation was brought into place, a piece of legislation urged upon the Treasurer in the minority days by both opposition parties.

Of course it was important then, I say to the member for Hamilton East, for us to get on with this matter immediately. Now he stands in his place, and with the kind of innuendo we have all heard around this establishment in the last little while, he attempts to draw some kind of sleazy parallel between the quite proper change that is taking place here, urged upon this party and this government by the other two parties, and some kind of donation. I reject that out of hand.

The fact of the matter is that Hiram Walker is one of the major corporations, a major employer in my community, and from time to time over my eight years in politics, I have received minimal amounts of money from it. I do so quite legally. I do not stand up and accuse my friend or anybody else of doing wrong when he receives money from major unions. I would hope he would respect my right to receive money from whom I receive it.

**Mr Mackenzie:** Very briefly, I must have touched a raw nerve with the member for Windsor-Sandwich (Mr Wrye). He has not, let me make it clear, ever heard me in 14 years in this House get up and say that we should be proceeding with this particular kind of legislation or what is intended in this bill. He has not heard me say that once.

He has heard me clearly say that we should be proceeding in terms of legislation to protect workers who are getting hurt, in this case, more by the free trade agreement than by the assessments. He should not be surprised at that.

I am also pleased to hear that he does have donations from the liquor interests, although he says they are small amounts; maybe they are. I want to make it clear to this House that I do not. I also want to make it clear that when I get a donation, which I do occasionally, from a trade union, it is a donation that has been voted for by the membership of that local union. I defy the minister who just spoke to get up and say that any of the shareholders in any of these companies that have made these kinds of donations have ever voted on that donation to politicians.

Interjections.

**The Acting Speaker (Mr M. C. Ray):** Order. Other participants in the debate? If there are no other participants, does the Minister of Revenue care to conclude the debate with his reply?

1610

**Hon Mr Grandmaître:** I am surprised at how Bill 37 has been twisted and turned around in the last couple of days. I am very surprised because back in 1986 there was a general agreement, an all-party agreement between the Liberals, Tories and New Democrats, which agreed to look at a decrease of the business rate for distillers. That includes the NDP. I am surprised that those two members who sat on this committee are not in the House today. There are only three New Democrats and two Tories in the House today.

They say we bring in legislation at the last minute. Back in 1986, when Bill 131 was discussed in cabinet, it was approved at that time that we would negotiate, that we would try to bring a bill into this House to be debated and to look at the commercial rate. That is exactly what we did. Since 1986, we have been negotiating with the affected municipalities and we have reached an agreement.

Why did we start with distillers? We think being charged at a rate of 140 per cent was simply unjustified, especially when you look at the range of the six assessment rates from 25 per cent to 140 per cent. We wanted to start with the distillers because, again, we think it is unjustifiable to charge those rates.

I want to remind this House that at one time their rate was 150 per cent. Back in 1968, the Tories reduced that rate by 10 per cent, and they had some kind of agreement that it would be reduced by 10 per cent every year, but nothing was done after 1968.



The NDP might think that giving these people what they call a tax break is criminal. We are trying to protect jobs. That is what this bill tries to do. There has been a decrease in consumption in this province of close to 20 per cent in the last three years. These people have been negotiating with the previous government and this government for a reduction in their business rate. They said: "Well, look. We will close in Thorold and we might even close in Windsor."

These people could not care less about jobs. "Close it down. Charge them 140 per cent. Let's be unfair. We don't care about jobs." But we hear every day that we should protect jobs. That is exactly what we are trying to do. We think half a loaf is better than none. I find it very strange to hear that the NDP is voting against this bill, is voting against protecting jobs. That is what they are doing.

Again, they changed their minds. It was good enough in 1986, but in 1989 it is not good enough. At least I can say that the member for Cochrane South (Mr Pope), the member for Leeds-Grenville (Mr Runciman) and the member for Carleton all agree with Bill 37, and I am very pleased.

There is only one worry, though, and that is the member for Markham, who is going to vote against it because he is dead against it.

**An hon member:** He won't be here.

**Mr Pope:** If that's a problem we can have a recorded vote and wait till he gets here.

**Hon Mr Grandmaître:** He will not be here, like today, because he asked me seven questions and he is not even hear to get the answers, so maybe my friend the member for Cochrane South can pass on the information.

If I may, very, very briefly, I want to talk about the 14 municipalities that are affected, that will have a tax loss over the next three and five years. As I said, we asked the Association of Municipalities of Ontario and clerks from every municipality to get involved in this bill and try to negotiate, to come to a compromise, to find a common denominator. I think we have reached that common denominator. I am not saying it pleases every municipality. I am not saying that, but I think we have reached some kind of consensus that four townships—Thorold, Collingwood, Maidstone and Amherstberg—will be compensated over a five-year period and the remaining 10 municipalities will be compensated over a three-year period.

Why would the four townships be compensated over a five-year period? We have decided that if any of these 14 municipalities would lose more

than two per cent of its total assessment in one year, we would carry on with the compensation.

If it took two and a half years to bring this bill to this House, a very good reason was to negotiate a program of compensation to these municipalities. There is much more I can say about this bill. A lot of things have been said about this bill, but very little on Bill 37. A lot was said. Free trade was mentioned and the price of beer and so on and so forth. Even the member for Hamilton Mountain (Mr Charlton) was accusing shop owners of charging \$40 and \$45 a square foot and that was why their business rate was high. That is not how business rate or business tax is calculated. You use the commercial mill rate of the municipality and that is how taxes are determined, not by the assessment.

I think I have said enough about Bill 37. I think it is a good bill and a very reasonable bill and I encourage all my Tory friends and my Liberal friends to vote for it.

**The Acting Speaker:** Mr Grandmaître has moved second reading of Bill 37, An Act to amend the Assessment Act. Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Motion agreed to.

**1620**

House in committee of the whole.

#### ASSESSMENT AMENDMENT ACT, 1989

Consideration of Bill 37, An Act to amend the Assessment Act.

**The Chairman:** At this point, are there any questions and comments or any amendments proposed, and if so, to which section? At this point, I would just like to list them.

**Hon Mr Grandmaître:** To Bill 37.

**Mr Morin-Strom:** I would like to make comments on the explanatory notes.

**The Chairman:** As was explained to me, explanatory notes are not part of the bill per se, but you can if you want to. Will the government have some proposals for changes?

**Hon Mr Grandmaître:** No amendments, Mr Chairman.

**The Chairman:** Will the official opposition have some proposals for amendments?

**Mr Morin-Strom:** Not at this time.

**The Chairman:** How about the third party?



**Mr Pope:** We will reserve our amendments at this time.

**The Chairman:** That is interesting. Are there questions or comments? Does anybody have comments to make, if not amendments or whatever?

**Mr Morin-Strom:** I have serious concerns about various sections of this bill. We can start with section 1 of the bill, in which case we have concerns with respect to why this bill and this particular section focus solely upon the liquor distilling industry in Ontario, and why the specific reductions in terms of their assessment rate have been established by this minister.

Surely the issue here, and it is a problem, with respect to the Assessment Act and the levels of assessment, not only for this industry but for industries across the province, is how we can make improvements that would be comprehensive in nature and address unfairness and inequities with respect to the tax structure in Ontario, not only for the liquor distilling industry but for all industries in the province.

Under section 1, the government is proposing to change the assessment base for the current fiscal year from the 140 per cent that it is today down to a level of 100 per cent, and then for successive years starting next year down to 75 per cent of assessed value. I would have to question how it is that the Minister of Revenue has come up with these particular changes and why he has not addressed the greater problem of assessment base for other industries in the province as well.

This reduction in this assessment base of course does not affect only the industries, but also property taxpayers and the running of municipalities and school boards in a number of communities, I believe 14 in total, across Ontario. This proposal is one that is going to have a serious impact in terms of revenues for each of these communities. The amounts of the impact have been assessed and will increase, at the end of the full implementation of this assessment reduction, to total some \$3,830,629 annually.

This penalty to these municipalities and school boards surely is a severe one, which is being imposed solely for the government's desire to address the assessment base issue having to do with one particular business in Ontario.

At the same time, the province is not proposing to compensate these municipalities and school boards in a reciprocal fashion. As a result, we are going to have a serious penalty to the school systems of these communities and to the ability of these municipalities to provide

adequate services to their residents, as well as an additional tax burden on the property taxpayers of those communities.

The minister knows that a number of studies have been undertaken over the years to look at the issue of assessment in Ontario, and that the recommendations in the past have been that there is no basis for continuing a process of unequal assessment bases for communities across Ontario. In fact, as long ago as the mid-1960s, a major study was undertaken by a committee called the Ontario Committee on Taxation, which reported in 1967. It concluded, "The cardinal weakness of the Ontario business tax is the indefensible structure of its rate assessments." It also reported at that time, "Nothing has emerged that lends support to a graduated rate structure."

The proposal in section 1 of this bill, that the assessment base for the distilling industry be reduced on an arbitrary basis solely for that industry, surely does not move this province towards the elimination of a graded rate structure. As well, there is no indication that there is any logical purpose or reasonable assessment of the comparison of various industries across the province, and the ministry has not provided a rationale for the decision to make the adjustment on this industry and solely on this industry.

Surely one has to recognize that there are major problems with other industries in the province. One of the concerns must be at the other end of the scale too, where we have industries such as automobile parking lots that are currently assessed at one of the lowest rates, 25 per cent. Why should we tolerate that kind of handout benefit in terms of very low property tax assessment on an industry that surely other ministries in the government would not recognize as one that is most deserving of favoured status?

Surely we do not want to encourage more sprawling parking lots in our downtown areas and continue to encourage the expansion of the use of automobiles in urban centres. Surely we should be encouraging the use of transit, and taking the automobiles and the pollution that comes with them out of major centres such as Metropolitan Toronto.

This particular section does not address that anomaly. Instead, it comes to the objective of addressing an anomaly, as the minister apparently feels it is, with respect to one industry, the liquor distilling industry. One has to wonder why it is this particular industry is getting favoured status from this government, what it is about this particular industry that has got the attention of the



Liberals in Ontario, and as a result is getting a proposal in terms of a new act of this Legislature that has been thrust upon us in such a short order of time and has been given such a priority by the government itself.

1630

Certainly one of the concerns has to be whether this is related in fact, as the member for Cochrane South suggested a little earlier, to the trade policy, if there is such a thing, of the Liberal government in Ontario. We know this government has touted itself as a fighter of the free trade initiative that came from the federal Conservatives. However, we have never seen anything tangible from this government that has led us to believe it actually would ever do anything. They have never done anything with respect to the drastic and potentially calamitous event which occurred last year in Canada with the imposition of the free trade agreement.

However, two of the industries that have been major focuses of concern with respect to trade with the United States have been the brewing industry and the distilling industry. Here we have a specific initiative with respect to the distilling industry which is included under the terms of the free trade agreement.

We know the brewing industry was given a specific exemption from the free trade agreement and the distilling industry was not given a similar exemption. One has to wonder whether this particular initiative is some type of quid pro quo from this government in its relationship between those two industries.

I suppose it is an initiative which is related to the government's hope to generate some kind of level playing field. I suspect that historically the brewing industry has been one of the strongest opponents of bringing the distilling industry down to the same assessment base as the brewing industry, and this bill, which proposes to do that in terms of moving from the 140 per cent of assessment base down to a 75 per cent assessment base, moves the liquor industry into the same assessment base as the brewing industry.

That is creating, in some sense, a level playing field from the perspective of the liquor industry, I guess, but one wonders whether in fact there were representations from the brewing industry, which was concerned about its being charged with having perhaps an unfair competitive advantage over another industry in this particular tax situation, where it was facing a lower tax rate than the liquor industry.

Really, what is missing throughout this bill which has been thrust upon the Legislature—we

received copies of it only last week—is a very specific initiative having to do with one particular industry. The minister should be called upon to answer for his rationale for giving this kind of favoured treatment to one particular industry, and to answer why he has not gone the further step of overhauling the whole assessment base and looking at major property tax reform, as is surely required in Ontario so that a property tax system would be one that did reflect fairness and equity to all property taxpayers across the province, whether they are businesses or individuals.

Would it be appropriate at this point for me to ask the minister to respond as to why this particular initiative and the figures that were set out in subclause (i) were established by the province of Ontario and to provide us with the justification for this particular action which would benefit the liquor distilling industry?

**Hon Mr Grandmaitre:** I do not know where the member was five minutes ago, but in my closing remarks I did tell the House why it was simply unjustifiable for us to carry on with this kind of business rate. Back in 1986 at least two members of his own party agreed, while they were discussing Bill 131, to a reduction. I want to remind him of this.

The member did refer to the penalty to municipalities. Again, I did talk about the 14 municipalities affected by Bill 37. I do not know where he was. I did refer to the four most affected municipalities and the remaining 10. I think all of those explanations were given to this House 15 minutes ago, but the member was out.

**Mr Charlton:** On the same section and related to the same question which the minister was just supposed to be responding to and which he still has not responded to, my colleague the member for Sault Ste Marie has asked the minister for the rationalization, the justification. What criteria did he use to determine that the 140 per cent was unfair? Has he applied those same criteria to the rest of the percentages that are set out in that same section of the act? Does he support the remaining gradations from 25 per cent to 75 per cent as still being relevant, fair and applicable?

He made a comment—this is one comment he did make in his closing remarks—that this was the first he chose to do. Well, at that rate of progress—four years for one change—before we get all the inequities in this thing set out it is going to take the minister 25 years, and I doubt very much if he will still be here. Perhaps he could tell us what were the criteria, what were the rationalizations he used to determine that the 140



per cent was unfair but that the rest of the gradations were still acceptable, workable and reflected any kind of economic reality in Ontario.

**Hon Mr Grandmaitre:** Again, I did try to explain the reason or the rationale behind this move or Bill 37, but I will repeat it. When you look at these six different business rates, we think that distillers were being punished.

**Mr Charlton:** How did you determine that?

**Hon Mr Grandmaitre:** For the simple reason that when you started to look at the six different classes, when you saw parking lots at 25 per cent, why would distillers be, let's say, classified at 100 per cent and brewers at 75 per cent? We did not see any logic in this.

I want to remind the member this was started back in 1968. It was recognized in 1968 that the rate was too high. We have gone a long way since 1968 and nothing has been done. Now we are starting with the highest business rate at 140 per cent, and a committee is in place right now, chaired by my assistant deputy minister, with the administrator from the city of Sudbury, people from the Association of Municipalities of Ontario and also the assistant deputy minister for the Ministry of Municipal Affairs. We are looking at the rest of the schedule and I will be pleased to report back to the member as soon as the report is filed.

**Mr Charlton:** I do not think the minister has fully understood my question. He said it is the view of the minister and the ministry that the 140 per cent assessment rate charge in the distilling industry was unfair and unconscionable.

In looking at the question, did the ministry compare as a percentage of net profit, for example, the actual tax dollars that 140 per cent assessment charge for business taxes imposed on the distilling industry and look at how that compared to somebody else in a perhaps less profitable industry who may be paying the same rate even though they are only paying at 50 per cent of their assessed value?

1640

Did the minister really look at the question of what the taxes levied mean in relation to those other percentages in those other industries and the profits those industries make? Was this tax really an unfair tax, or did the minister even look at that question?

**Mr Black:** That's a silly question. Of course he looked at that.

**Hon Mr Grandmaitre:** I do not know what the member for Hamilton Mountain is driving at, but I am not involved in income tax. If they make

profit, they will pay income tax for it. This bill is responsible for the business rate. That is what it is. A committee back in 1986 decided it was unjustified and two NDP members voted for it. That is his answer.

**Mr Morin-Strom:** I find it interesting that the minister contradicts directly what his own member, the member for Muskoka-Georgian Bay (Mr Black), suggested the minister would have done, which is to look seriously at whether the basis for this tax change had any relationship to ability to pay.

**Mr Black:** You don't make any sense before lunch and you don't make any sense after.

**The Deputy Chairman:** Order, please. One member at a time.

**Mr Morin-Strom:** This morning we had the drug czar of Ontario suggesting that 80 per cent of public eating areas in the province should be the norm for smoking areas, when we have statistics that show some 28 per cent of the population are smokers. I think he is hardly an expert when it comes to restricting drugs and smoking, and even less so when it comes to tax matters.

Interjections.

**The Deputy Chairman:** Order, please. One member at a time. One member has the floor. This is committee of the whole.

**Mr Morin-Strom:** I think the minister would have been wise to take an honest look at the liquor distilling industry, and even if he was going to use as his basis for comparison the brewing industry and the fact that he wanted to bring the liquor distilling industry into line with the brewing industry, I think he might have taken a look at the profitability of the two industries, and particularly in a case like this the property tax assessment base that is generated.

If one looks at the volume of liquor that is produced in comparison with the volume of beer that is produced, the sizes of the plant infrastructure required for those two industries, one might easily come to the conclusion that the same assessment base for those two might result in a much higher property tax assessment for the brewing industry, because of the volume of product that has to come under that industry to provide the same dollars of revenue and the same dollars of income.

Has this minister taken a look at the volume of product of those two industries and made any kind of relationship between the property tax assessment base of those two industries in comparison to the total sales levels of those



industries? Is this really a fair assessment base or not?

**Hon Mr Grandmaître:** I know what the member is getting at. He is looking at profit, because profit is a dirty word for that party. I want to remind the honourable member that a company, an industry, does not have to make a profit to pay business tax. Everybody pays business tax. I want to remind the member that back in 1986 this initiative received all-party support. I am sure they took into consideration the distillers, the brewers, the wholesalers, parking lots and so on and so forth when they were looking at Bill 131. So a detailed study has been done.

I want to tell the member again that we think the rate of 140 per cent versus 25 per cent for parking lots was unreasonable and this is why the reduction to 75 per cent will take place in three consecutive years.

**Mr Morin-Strom:** I do not think the minister has addressed the issue of whether this assessment base he is proposing for the liquor industry has any relationship at all to the ability of that industry to pay, given the amount of property—

**Hon Mr Grandmaître:** That's not the question.

**Mr Morin-Strom:** I am not talking about profit, I am talking about the amount of property and the value of the investment base they have to have in order to generate a given level of sales. Has the minister looked at the amount of property assessment of that industry in comparison with the sales level? Can he provide us with the figures with respect to the liquor industry in Ontario and the brewing industry in Ontario—the amount of property assessment today and the level of sales of those industries?

**Mr R. F. Johnston:** That's a very reasonable request.

**Hon Mr Grandmaître:** Yes, very reasonable.

I did say 15 minutes ago—and again, I do not know where the member was—that the distillers' business has gone down by 20 per cent over the last three years. So yes, it was taken into consideration. That is yes to his question.

**Mr Mackenzie:** I think there is a legitimate question that has not yet been answered clearly to my satisfaction.

**Hon Mr Grandmaître:** Well, it's hard to satisfy—

**Mr Mackenzie:** That may be the case, but I have the right in this House, as the minister does, to ask questions.

The minister keeps referring to the fact that there was an agreement by members of all parties in 1986 that we should be taking a look at the assessment of the distillery industry. I am not sure it was just the distillery industry, but I do not think it was exempted either. If that is the case, it is now 1989. How come almost overnight, in the last week, this is a priority now? The minister has had three years and he did not touch it. It seems to me also that he talked about a decrease from 150 per cent to 140 per cent, a 10 per cent decrease previously in this particular industry. When was that decrease?

**Hon Mr Grandmaître:** In 1968.

**Mr Mackenzie:** Okay, there was a 10 per cent decrease between 1968 and 1989. All of a sudden, we have to go from 140 per cent to 75 per cent? I do not think the minister has given us a rational argument on it at all.

I think the question my colleague was asking is a reasonable one. Has the minister taken a look? He says, "We think." I do not accept "We think." Has the minister taken a look at whether or not the losses in this particular industry are greater than the losses in some of the others that have different assessment rates?

If he can show us that that is the case, fine. It is not just the fact that there is a 20 per cent reduction in their sales. That may very well say that there is still a profit percentage that is almost as good because sales do not always directly reflect profit, as I am sure the minister knows. What kind of hard facts does he have that tell us that the distillery industry needed it more than any of the others that have the various rates?

**Hon Mr Grandmaître:** The member is right that back in 1968, under the previous government, it was agreed to decrease the rate from 150 per cent to 140 per cent. I was not around back in 1968, but it was with the understanding that it would be decreased by 10 per cent in subsequent years. This was never done.

The industry, the distillers, have not lost money. I am not trying to tell the member that they have lost money, but consumption has gone down. I think it is a good thing. I think people are much more reasonable than 25 or 30 years ago.

It was back in 1904, if I am not mistaken, when 140 per cent was first thought of. I guess back in 1904 people thought that about booze and boozers: "Let's tax them. Let's have a sinners' tax." We live in 1989 and without looking at their profit sheet, I think it is only reasonable.

I think brewers make just as much as distillers, but that is not the reason for Bill 37. The reason for Bill 37 is to be reasonable with taxpayers and



that is what it is doing and that is why we are decreasing it to a more reasonable rate, to 75 per cent over three years, equal to the brewers' rate. I think this is very reasonable.

Again, the member did ask me how come we are addressing only the distillers. As I said to his friend the member for Sault Ste Marie (Mr Morin-Strom), there is a committee in place looking at the total business assessment rate and I will be very pleased to introduce a new schedule, a new series of business rates, whenever it becomes available.

1650

**Mr Morin-Strom:** The minister still has not explained why he has reduced the rate to 75 per cent, but perhaps we could take the obverse situation and ask why the minister, instead of bringing the distillers down to the brewers' rate, did not do the reverse and increase the brewers' rate up to the distillers' rate.

Surely the way the government has imposed this particular change is the one that results in a penalty on the municipalities and school boards of Ontario. If we were going to go forward with proposed changes to make the assessment rate basis fairer in the province, could the government not have done it in a fashion that would have resulted in municipalities and school boards gaining in terms of property tax base, not losing, and bringing some of those anomalies at the bottom up to reasonable levels of assessment base, rather than taking the action which is a handout to one industry and turns out to be quite a direct penalty?

The minister says he is going to pay off the municipalities in the short term with some subsidies on it, but it is phased out within three years for 10 of the municipalities and within five years for four of the municipalities. Then there is no compensation whatsoever for any municipalities or school boards after that.

There is a serious penalty in the long run of some \$4 million a year in terms of the municipal tax base. Why would the minister not have moved forward in terms of generating some fairness in the assessment base by not taking the penalty out on municipalities and school boards, but instead putting the penalty on to some of those industries that have been subsidized for years and years with assessment bases that are unfairly low and brought them up instead to create a fairer and more just system? Why has the minister not taken that type of an approach?

**Hon Mr Grandmaître:** Again, the honourable member is using the word "penalty." I think this is wrong. I think there is a formula right

before him. We are not penalizing municipalities.

Let me give him the city of Toronto, for instance. Let's look at the city of Toronto. In 1989 they will lose \$38,000, on a budget of how much? We will compensate the city of Toronto, and the education part of the municipal tax bill will be compensated too. We are being fair to 14 municipalities.

**Mr Harris:** The member for Cochrane South was unfortunately called out on other pressing business. Before he left, he asked me if I would follow up and ascertain from the minister, see if we could get some answers to the questions he raised in second reading of the bill as to whether the implications of free trade have been assessed by the minister—as to whether this will be a subsidy, given that the distilling industry, as I think the member put it, is not exempt from the free trade agreement the same way the beer industry is. He had asked if I would follow up on that to determine whether he could report back to his father whether or not the ministry had been doing its homework with regard to the implications of free trade.

**Hon Mr Grandmaître:** I am sure that the committee back in 1986 did not consider free trade. This is Bill 37. It is a reduction in the business rate for distillers. Again, I want to tell the honourable member he can pass on the information. I know the member for Cochrane South must be suffering, because he has stayed about three hours in this House today. He does need a break, but I want to tell him that free trade was never taken into consideration by the committee back in 1986.

**Mr Harris:** I could understand the committee not spending a great deal of time on it back in 1986. What concerns us and what concerns the member for Cochrane South is whether this government, as many have suspected, has just ignored free trade. We have suspected that, as we fall behind other provinces and other jurisdictions that are taking advantage of the positive aspects, preparing for some of the negative impacts of the free trade agreement and have accepted the reality that indeed the agreement exists.

Quite frankly, I find the minister's answer unacceptable if he is saying that back in 1986 we did not consider it. We have been very critical of this government and his whole party in Ontario for trying to pretend that the free trade agreement does not exist. Indeed, we have been very critical that it has not examined the impact.



**Mr Ballinger:** That is because it is no good.

**Mr Harris:** Whether the member says it is no good or whether it is good really is not the issue at this particular point in time; it does exist. There is no point in burying our heads in the sand and ignoring that it does exist. I would suggest to the minister that he not fall into the trap that the Premier has fallen into of total inaction and pretending that it does not exist. We should prepare for advantages or protect ourselves from potential problems or prepare for any of the disadvantages that we all acknowledge can be there.

I would ask the minister, not from his 1986 perspective but from the 1989 perspective, whether in fact any checking has been done to determine whether this move of reduction of tax can be considered from an American distilling industry point of view as a subsidy, whether it can be considered as being countervailable and whether this, in combination with other pricing practices, will indeed perhaps be the straw that breaks the camel's back.

I do not know whether it does or not—I am not an expert in it—but I will tell members this: If I was in government, before I brought in a piece of legislation, I would want to know the answers to these questions. I think that was the view being expressed by the member for Cochrane South, and those are the answers he wants to find out. If it is the minister's position that they really do not care and they did not bother to look at it, then he should just say that, but he should do not blame it on a committee in 1986.

**Hon Mr Grandmaître:** The latest check that we have made on free trade is that since the introduction of free trade, Canada has lost 33,000 jobs.

1700

**Mr Harris:** If the minister wants to be smarty about it, that is fine. Others can be smarty about it too. I think we are entitled to a simple answer, yes or no. What the minister seems to be saying to me is, "Look, you may have a point, but because our government's policy has been to stick our head in the sand, I never considered free trade."

If he is admitting that, then he should say that. If he has checked into it and he feels that in no way is this going to add to any countervailability, then he should say that. If he has checked into it and has found out, "Well, it may be possible but we're not sure," then he should say that. Which is it? Has he looked at it at all, yes or no?

**Hon Mr Grandmaître:** I cannot answer that question.

**Mr R. F. Johnston:** I have a few comments and then I would like to ask some questions dealing with this section of the bill. This section of the bill essentially reduces assessment, reduces the amount of money that certain municipalities in Ontario can expect to receive to operate on.

Municipalities, some of which are large, as has been mentioned, Etobicoke, Toronto, Scarborough, and some of which are quite small, all have been stiffed by this government in terms of pass-through grants and having to rely further and further on property tax and raising property tax because they have no choice but to do that.

I do not know about other members' constituents but my constituents are fed up with that unfair tax being increased because of this government's failure to act. Here, for the sake of some sort of sop to the distilling industry, we have decided that we are going to reduce further the assessment of these various communities and, for some strange reason, have a phase-out of support to those municipalities as compensation over a period of time.

Whether it is in three years' time for some municipalities or five years' time for other municipalities, they are going to be stuck with an awful lot of money that they are going to have to raise if they are going to maintain the services they are used to at a time when they are already being stuck by this government and the federal government: that payroll tax the provincial government is hitting them with and federal government unemployment insurance changes that are forcing them to dig into their pockets more.

The school system today is in a terrible situation in terms of its economic base, its operational base, and this impacts on schools. This sop to the distilling industry has an impact on the quality of education. I find it very strange that this is a priority of this Liberal reform government, that Bill 37 should be brought in on 21 June and, all of a sudden, we should be told this thing has to be passed right away because we need to make this sop to the distilling industry. I would like to know what the principle is here. Does the minister think that taxpayers should pay one penny more in property tax than they are paying now?

The minister raises the fact that the impact of this assessment that will be lost in the city of Toronto is only \$37,000. Does the minister want to say to the people of Toronto, whom this government has just decided to tax extra for driving in Toronto, for having to live here



because that is where the economy is in Ontario—they have set up special regional taxes for people who happen to live in the greater Toronto area—not only that but as an extra little slap in their faces that in Toronto \$37,000 will be spread over the property taxpayers, more than they would have expected last time? In some of these other communities it is going to be a heck of a lot more money than that.

What kind of message is this from a supposedly reformist Liberal government, which we are beginning to learn has gone through a major Toryfication? It has basically turned into a government which believes in regressive taxes and believes that it should be stiffing the average property taxpayer even further. Why is it that the government has decided to slip this thing through in the hot days of summer when nobody is paying attention, so that property taxpayers are going to be hit extra because the government wants to give the distilling industry an extra favour?

I think this is mind-boggling. This is the government which supposedly understands the problem we have got with drinking and driving, the problems we have got in terms of the cost to our health care system and our social services system because of excessive drinking in Ontario, and what are we going to do? We are going to reduce taxes for the distilling industry—reduce taxes, for God's sake.

Where is the common sense in that? Where is the coherence of a social policy or an economic policy in doing that sort of thing and then making the burden fall on a property taxpayer who is already paying too much? This section with this proposal of a reduction of assessment is a ludicrous thing to be proposing at this time and a slap in the face to every property taxpayer in Ontario.

**Mr Wildman:** You reduce the taxes on distilleries and you raise the price of beer.

**Mr R. F. Johnston:** The member raises a good point here, but he will get his chance to rise and make this on his own.

The minister says the impact on Toronto is \$37,000, but I would like to know what the impact is on Thurlow, on Collingwood, on Maidstone, on Amherstburg.

**Mr Black:** Or on Muskoka.

**Mr R. F. Johnston:** It does not seem to be listed here; the minister has missed out on a distillery in Muskoka. If he has, that is too bad, because now the member for Muskoka-Georgian Bay could be going back to his constituents and saying, "Hey, we are great Liberals here and we are going to increase your property taxes,

because we are going to aid the distillery even further than the large profits that it already has in Ontario."

The member for Muskoka-Georgian Bay is not able to go back to them to tell them that. Is it not unfortunate that he cannot take that message back to the community he represents as the members who represent Thurlow, Collingwood, Maidstone and Amherstburg are able to do?

Perhaps the minister can tell us what the impact on these communities is. What is their tax base? Why should individuals in those communities where they happen to own homes and who have chosen those places to live now have to get stuck with this extra cost in three to four years' time, just because the minister wants to give a break to distillers?

In my view, the distillers still are not really paying the price that they should be paying for the havoc and cost to our social system that excess use of their product and the addictive nature of their product for certain people is causing to our society. What is the loss to those people?

**Hon Mr Grandmaitre:** These questions were asked before, but I will repeat the answers. For the four municipalities that the member mentioned—Thurlow, Collingwood, Maidstone, Amherstburg—the total projected revenue shortfall in the year 1989 was \$15,000 for Thurlow, \$25,000 for Collingwood, \$96,000 for Maidstone and \$28,000 for Amherstburg; and in 1990, when the assessment rate decreases from 100 per cent to 75 per cent, \$3,000 for Thurlow, plus \$48,000 for Collingwood, \$13,000 for Maidstone, plus \$33,000 for Amherstburg. For the city of Windsor in the first year, a loss of \$53,000; in the second year, 1990, a gain of \$142,000.

The honourable member for Windsor-Riverside is against that. He is going to vote against the bill and against his own municipality.

Interjections.

**The Chairman:** Could I have one member at a time, please.

**Mr R. F. Johnston:** Perhaps the minister can explain how that gain takes place. Is this a one-time gain that will take place in that one year?

**Hon Mr Grandmaitre:** Here is why some municipalities gain. In 1989, the 1989 grant was 100 per cent of the lower-tier tax loss for that year; in 1990, the 1990 grant is 62.6 per cent of the lower-tier tax loss in 1989 plus 100 per cent of the lower-tier tax loss in 1990.



In 1991—again, I am talking about grants—it is 33.3 per cent of the lower-tier tax loss in 1989 plus 62.6 per cent of the lower-tier tax loss in 1990, and that is the reason the city of Windsor will lose in 1989 but gain in 1990.

1710

**Mr D. S. Cooke:** What about 1993?

**Mr R. F. Johnston:** My question is, what about 1993?

**Hon Mr Grandmaître:** In 1993 the city of Windsor will not be part of the formula. There are only four municipalities, the most affected municipalities or those four municipalities that have lost more than two per cent of their total assessment. Four municipalities were losing two per cent. Windsor was not in that category.

**Mr D. S. Cooke:** There is certain language that cannot be used in the Legislature, but I am not sure that the minister is being totally honest with the local property taxpayers.

The minister is netting out the figures of grants. Can he explain to us what will be the property tax loss after the grant program is complete for the city of Windsor, for example?

**Hon Mr Grandmaître:** It is very difficult for me to answer that question, because I do not know what the growth will be in Windsor.

**Mr D. S. Cooke:** That is not fair. They are losing assessment because of the changes under this legislation, so that is lost tax revenue. If the community grows and the assessment grows, that has nothing to do with Bill 37. They would have been further ahead.

I am asking the minister, specifically on the Hiram Walker property in the city of Windsor, how much tax loss will there be after his grant program is complete? The minister knows that. He can tell us that.

**Hon Mr Grandmaître:** No, I do not.

**Mr D. S. Cooke:** The city of Windsor says it is \$874,000.

**Hon Mr Grandmaître:** Going back to my original answer, my original answer, and I am sticking by it, is that there will be some growth in Windsor and this will balance out.

**Mr D. S. Cooke:** It has nothing to do with Bill 37.

Interjections.

**The Chairman:** Order, please.

**Hon Mr Grandmaître:** It might lose on one hand and gain on the other. He is asking me what the city of Windsor will lose. I cannot answer that, because I do not know what their growth will be in 1989 or 1990 or 1991.

Interjections.

**The Chairman:** Order, please. One member at a time. The member for Windsor-Riverside has the floor.

**Mr D. S. Cooke:** If the minister cannot give us that information, then I would suggest either he reconsider his response or perhaps this committee should not proceed with Bill 37 until the minister can provide us with that information.

He has those figures; they have been supplied by the municipalities as to how much money is lost on the pieces of property that are having their business assessments lowered as a result of this bill.

Do not confuse it with other growth, because that has nothing to do with Bill 37. Be honest with the taxpayers; indicate clearly what money will be lost and what will have to be picked up by the local ratepayers. If the minister cannot provide us with those figures, then I do not think we should proceed with Bill 37 today or any other day.

**Hon Mr Grandmaître:** I know they want to stall and they want to be here until August, but I am ready and willing to stay until August to answer all his assumptions and his allegations.

I want to repeat what I told him a little while ago, that in 1989 the city of Windsor will lose \$53,000 and will gain \$142,000 in 1990. Those are the latest figures I have and those are the only figures I can give him.

**Mr Morin-Strom:** Surely the minister could be honest with the opposition party with respect to his figures. In fact, the minister knows—

**Hon Mr Grandmaître:** Is the member implying that I am not being honest?

**The Chairman:** Order, please. As all members are honourable, all members are honest. I would ask all members to make sure to stay in line with that, please.

**Mr R. F. Johnston:** On a point of order, Mr Chairman: The member was only asserting that the minister surely can be honest with us, and we would all agree with that.

**The Chairman:** I just thought that you needed some reminding—all of you.

**Mr Morin-Strom:** I have a document here. The minister says those are the only figures he has, but I understand he has already provided some other figures and we are asking for some breakdown of those figures.

Our critic the member for Beaches-Woodbine (Ms Bryden) received from the minister a compendium called Compendium: Assessment Amendment Act, 1989. It has the minister's



name on the bottom and it was printed 15 May 1989 but we did not receive it until last week. The very last page of it is something called "Appendix B: Tax Loss and Grant Projections for Municipalities Experiencing Tax Losses from Proposed Business Tax Reduction of Distillers."

We have a column in this document from the minister—this is not our research department digging up these figures; the minister's own staff has the documentation—on the "Ongoing Annual Tax Loss." The minister's own figures call it the ongoing annual tax loss and he has got the total figure for 10 municipalities, including the one the member for Windsor-Riverside asked about: the community of Windsor. It is one of those 10.

The city of Toronto is another one, as is Brampton, Burlington, Mississauga, Hamilton, Waterloo and so on. We have the total annual ongoing tax loss for the reduction from 140 per cent to 100 per cent tax base as \$1,501,465. The minister's own documentation also shows that the further reduction from 100 per cent to 75 per cent will be an annual tax loss to those communities of \$938,417. When one adds those two up, the loss to those 10 municipalities is \$2,439,882—nearly \$2.5 million to those 10 municipalities, which are recognized as the 10 larger ones.

We also have the data on the four smaller municipalities that are presumably more seriously impacted on a proportional basis, because as the minister has admitted, it reflects more than two per cent of their assessment base. For those municipalities we have tax losses from 140 per cent to 100 per cent base, under the minister's own figures, of \$855,845. The further reduction from 100 per cent to 75 per cent will be a further tax loss of \$534,902, for a total tax loss to those four smaller municipalities of \$1,390,747.

So we have 10 municipalities that are going to lose nearly \$2.5 million in annual property tax revenues. Another four municipalities—very small municipalities: Thorold, Collingwood, Maidstone and Amherstburg—are going to lose nearly \$1.4 million in annual tax.

The member for Windsor-Riverside asked for a particular community. The member for Scarborough West (Mr R. F. Johnston) asked for some of the other municipalities. Could the minister now provide us with the breakdown of those 14 municipalities and how much the tax loss is going to be for each of them?

**Hon Mr Grandmaitre:** I did give out some original figures and they concerned the city of Windsor, and that was on the question from the member for Windsor-Riverside and that was my

answer. Now, if the member wants me to go through it, because I have got all of those figures—

Interjections.

**The Chairman:** Order. One member at a time.

**Hon Mr Grandmaitre:** I can go through the 14 municipalities and I will. The city of Toronto: upper tier, \$22,000—that is in the year 1989—with \$19,000 for the tax loss; school board, \$45,000, for a total of \$85,000. In 1989, grants, lower tier, \$19,000; school board, \$29,000; total, \$48,000. Projected revenue shortfall, \$38,000.

The city of Scarborough: \$1,900 in 1989; tax loss, upper tier, \$1,800; school board, \$4,000, for a total of \$7,800. Lower tier will be \$1,800 and \$2,600, for a total of \$4,424, for a total projected revenue shortfall of \$3,400. I can go through the 14 municipalities.

1720

**Mr D. S. Cooke:** Could the minister be helpful to the opposition? Now that he has given us the net figures, could he also tell us what the grant figure is for each of those municipalities in 1989? What is the compensating grant that the province is giving to each of the 14 municipalities in 1989?

**Hon Mr Grandmaitre:** The grant in 1989, for instance, for the city of Toronto, lower tier, is \$19,000; school board, \$29,000, for a total of \$48,000. The projected shortfall is \$38,000. For the city of Windsor, upper tier, first year, nil; lost tax to lower tier, \$263,000; school board, \$226,000, for a total of \$490,000. Grants to the lower tier are \$263,990—the tax loss and the grants for the first year, 1989, are equal—and to the school board for the city of Windsor are \$173,000, for total grants of \$437,000.

**Mr D. S. Cooke:** Just so I understand more clearly, what the minister is saying is that, forgetting the school board, the municipal aspect of it is \$263,000. When the grant program runs out, who makes up that money? Would the minister not agree that then has to be raised from the property taxpayers and therefore property taxes have to be raised to pay for Bill 37?

**Hon Mr Grandmaitre:** I did not talk about the growth of the city of Windsor. If the growth is not there, we do have a tax program; unconditional grants, conditional grants, resource equalization grants, general legislative grants—all of these grants will certainly compensate the city of Windsor.

**Mr D. S. Cooke:** What would the minister say if we proposed an amendment to the legislation



that no longer gave the minister the flexibility but simply said the municipalities would continue to be compensated by the province for the implementation of Bill 37, since obviously any growth that occurs in my community or any other community has absolutely nothing to do with that bill; that growth in assessment would occur regardless? If he had not implemented Bill 37, this \$263,000 that might be raised through growth and increased assessment could be used instead to lower the property tax rate for individual families living in residential homes rather than lowering the property taxes for distillers.

**Hon Mr Grandmaître:** As I said previously, and I will repeat it, the 14 municipalities were consulted; they reached a consensus. What I have before me is the consensus, and I think it is a very reasonable one.

**Mr Charlton:** The minister is still avoiding the question that was raised by my colleague the member for Sault Ste Marie. The documents which the minister provided to the opposition parties set out the gross lost taxes to the municipalities as a result of Bill 37, after the phase-out of his grants. We have asked the minister for a breakdown for each of those municipalities in terms of the gross tax loss they will suffer after the grants that will run for either three or five years are finished. We would like the breakdown.

**Hon Mr Grandmaître:** I know they want to drag this on and on. I just gave them what the tax loss will be in 1989, as well as the grants, not only in 1989 but in 1990. I cannot predict what the future will be in Windsor, in Scarborough or in any other municipality or even in the school boards. I cannot predict what the future will be as far as taxation is concerned.

**Mr Charlton:** The minister's own documentation sets out clearly a total ongoing tax loss of \$3,830,629. This is the minister's own documentation provided to the opposition. It sets it out under the column called "Ongoing Annual Tax Loss." We want the breakdown of that \$3.8 million for each of the municipalities in the 14 so that we can have a look at the impact on those municipalities. The minister's people have determined there is a tax loss. We want to know where it impacts.

**Hon Mr Grandmaître:** I provided the honourable members with the latest figures and I gave them the tax loss, as well. The total tax loss, for instance, for the city of Windsor in the first

year is \$490,000 for the upper tier, lower tier and school board.

**Mr Charlton:** We want to know what the tax losses are in Windsor for the fourth year, not the first year.

**Hon Mr Grandmaître:** I cannot predict what the fourth year is.

**Mr Morin-Strom:** I do not understand how the minister and his staff could come up with a figure down to the exact dollar; a figure of over \$3.8 million for 14 municipalities, to the exact dollar. He has the breakdown from the 140 per cent to the 100 per cent and from the 100 per cent to the 75 per cent in the 10 municipalities versus the four. The minister has it to the exact dollar in total. Surely it is not just a ballpark figure that turned out to be \$3,830,629. He must have the figures municipality by municipality.

Can the minister tell us what is going to happen in terms of the ongoing annual tax loss for these 14 municipalities? It is right in his own document.

**Hon Mr Grandmaître:** Again, these projections are based on the 1988 mill rate. I cannot repeat it often enough. These figures are a projection for 1989 and 1990. Now they are asking me for 1993 and 1994 and I cannot provide them with those figures.

**Mr R. F. Johnston:** Perhaps the minister could tell us what the tax loss will be this year, minus his grants. What would that figure be? What is the loss this year, minus the grants, per municipality? Might that not give us an idea? I am sorry—for 1990. That will be a full year; 1990 will be a full year. It would be more useful.

**Hon Mr Grandmaître:** For 1989, for the 10 municipalities, the total loss at the upper tier, lower tier and school board is \$1.5 million. So it is minus \$452,000. That is on page 9 of the submission. The total loss will be \$452,626.

**Mr R. F. Johnston:** For all the municipalities?

**Hon Mr Grandmaître:** The 10 municipalities—Toronto, Scarborough, Etobicoke, Brampton, Burlington; the 10.

**Mr Charlton:** How much are the grants?

**Hon Mr Grandmaître:** The grants are \$1,048,000.

**Mr Charlton:** The total tax loss is \$1.4 million.

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**Hon Mr Grandmaître:** The total tax loss is \$1.5 million; the grants are \$1.048 million, for a



total shortfall or tax loss of \$452,000 for the 10 municipalities.

**Mr R. F. Johnston:** What we seem to have learned then is that for those 10 municipalities, forgetting those smaller municipalities, it looks like the tax loss they would have would be \$1.5 million if they did not have the offsetting grants this year. That gives us some idea, therefore, of what their loss is in generated assessment and what the minister will be stiffing the local property taxpayer with at the end of this process. Is that right?

**Hon Mr Grandmaître:** As I have said, it is \$1.5 million in losses, and also the grants will compensate. That figure will diminish by \$1.048 million, for a total loss of \$452,000. That is in 1989.

**Mr R. F. Johnston:** We are trying, again, to get to the bottom line here of what the property taxpayer is going to get stuck with in four years' time, which is a legitimate question, it seems to me. We have a sense that people across the province will be stuck with an extra \$3.8 million in local income which will have to be raised through the assessment because of the government's gift to the distillers of Ontario. What we do not have at the moment is a clear idea of what that is by municipality. What we do know is that property taxpayers, who are already overburdened, are now going to get stuck with \$3.8 million of extra property tax because the government is giving a gift to the distillers of Ontario.

**Hon Mr Grandmaître:** Again, they want to call it a gift and say that we are penalizing municipalities. I am not going to go through these figures again. As I mentioned, the total loss for the 10 municipalities in 1989 will be \$452,000. In 1990, there will be a plus—\$35,000—for the 10 municipalities.

**Mr Epp:** As I understand it, this is not a gift, but this is a form of equalization on behalf of the government of Ontario for these various municipalities. We know, for instance, that my own constituency will be affected by this. It will equalize the amount of assessment that is accrued to the various municipalities.

We find, of course, in my own municipality that the distillery has been paying an excessive amount of taxes, 140 per cent, which is not equal to any other industry. What we are trying to do is reduce that to 100 per cent and then to 75 per cent. What we are talking about here is fairness in the tax system, not unfairness. What the opposition keeps on saying is, "We want more

unfairness, to give to one industry as opposed to all the other industries."

Being the government that we are, we are trying to get some kind of equalization here. It is a very important principle that this government supports and one that we should all support. I fail to see why the opposition members keep on saying that it is a gift, as opposed to associating themselves with the principle of fairness.

**Mr R. F. Johnston:** I will be glad to respond. What we are basically finding, I say to the member for Waterloo North (Mr Epp), is that in those small communities—Maidstone, Thurlow, etc—what we are talking about at the end of this process is a two per cent increase in the tax to the local taxpayer, or more—

**Mr D. S. Cooke:** A two per cent loss of assessment.

**Mr R. F. Johnston:** Sorry, a greater than two per cent loss of assessment in those individual communities at the end of this process. That is no small amount.

At the end of the phase-out of the offsetting grants in four years time, those communities are going to get stuck with a two per cent loss in what they would have expected if the government had not done this to them. That is the difference. While the minister supposedly equalizes this for the distillers—and I have made arguments that they do not need any equalization. In fact, I am not sure they are paying their full freight right now for the cost to society from their product. But in order to give that kind of gift to them, we are ending up by stiffing some of these communities with a two per cent drop in what they might have expected in their assessment, which is no small potatoes for those communities.

**Mr D. S. Cooke:** The member for Scarborough West has specifically referred to the four municipalities. We know from the minister's figure that in the first year of the phase-in of the drop from 140 per cent of assessment down to 100 per cent that the loss for the four municipalities will be \$855,845 in tax lost. In the second year, there will be an additional \$534,000. Could the minister supply to us the breakdown of the tax loss of those four municipalities in the first and second years of his program under Bill 37?

**Hon Mr Grandmaître:** Thurlow, at the upper tier, \$6,600; tax loss at the lower tier, \$7,400; school board, \$44,000, for a total of \$58,000.

Grants to lower tier, \$7,000; school board, \$35,000, for a total of \$43,000. So, it is a shortfall of \$15,000.



If I can use Thurlow again, in 1990, at the upper tier, tax loss will be \$4,100; at the lower tier, \$4,600; school board, \$27,000, for a total of \$36,000.

Grants to the lower tier—this will offset the total loss—\$10,500; \$22,300 for the school board, for a total of \$32,000, for a total net loss of \$3,500.

**Mr D. S. Cooke:** What about Maidstone and Amherstburg?

**Hon Mr Grandmaître:** Maidstone, in 1989, \$18,000 at the upper tier; lower tier, \$63,000, and school board, \$97,000, for a total of \$178,000. Grants at the lower tier—

**Mr Faubert:** Amherstburg?

**Hon Mr Grandmaître:** Amherstburg, yes. At the lower tier, \$63,000. That is grants. School board grants will be \$86,000, for a total of \$150,000 in grants, for a total loss of \$28,000.

**Mr Charlton:** We do not seem to be getting any further with the minister with this question about the final breakdown in terms of the tax losses his documents set out in gross numbers. But at any rate, perhaps the minister can explain something to the House in relation to a couple of traditions which the assessment branch of the ministry has held fairly dearly for many years.

In 1979, the former government set out its section 76 program, which as a result of renumbering in 1980 is now called the section 63 program. That program, and I refer to the questions which were raised by the member for Waterloo North, was an equalization program where there were some assessments that were overassessed and some assessments that were underassessed.

In each municipality that opted for a section 63 program, there were adjustments to accommodate. Those who were overassessed got reductions; those who were underassessed got increases. The municipalities did not lose any money in terms of the taxes that went to the municipalities, lower tier, upper tier or boards of education.

Now, the government has chosen to break that tradition and to take an inadequate tax scale for business taxes and fix what it thinks is one problem in that tax scale without adjusting the others, so the municipalities end up suffering a loss.

Instead of going the route that the member for Waterloo North suggested, of taking the business percentages and doing an equalization to eliminate the unfairnesses, why did the minister just choose to do the one and create a situation where

there was a loss for the municipalities and school boards involved?

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**Hon Mr Grandmaître:** I think that question has been asked before. The reason was that we thought 140 per cent was unreasonable, and this is why we started with distillers. This was done back in 1986. I want to repeat it: There was an all-party support, including the member's party.

I said that there is a committee in place to look at commercial business tax, chaired by the assistant deputy minister, property assessment, with the administrator of the city of Sudbury, Bill Rice, and also the assistant deputy minister of Municipal Affairs, Marcia Sypnowich. So we are looking at the total program of taxation. As I said before, they met for the first time in September 1988. As soon as I have a report, I will be pleased to report back to the House.

**Mr R. F. Johnston:** I am just trying to understand these figures, looking at these four communities and the money he just told us about, which perhaps totals \$855,000. I was not able to scribble down everything fast enough to have accurate figures on this, which would be quite useful. Does this amount, the \$855,000, include a loss to the school boards from their local tax base?

**Mr D. S. Cooke:** That's not what your compendium says.

**Hon Mr Grandmaître:** Yes, it does.

**Mr R. F. Johnston:** So these figures we are talking about here are both school board grants and municipalities, even though the minister has put them down as one in terms of his totals going to the municipalities.

**Mr D. S. Cooke:** Upper and lower is not school board.

**Hon Mr Grandmaître:** Plus municipal.

**Mr R. F. Johnston:** Okay. So these total figures are the total loss across the board. Do these include the compensating grants to school boards, or how does that work into the minister's compensation package here? I am not sure I understand that portion of it. He gives a tax-loss grant provision, but I am not exactly sure. He has them in parentheses here, but how does it work to the school boards? I am not sure. In exactly the same fashion? How does this relate to their general legislative grants, etc?

**Hon Mr Grandmaître:** The GLGs are set and the other grants are 20-20-20 per cent one year, 20, 20 and 20—but the GLGs remain stable.



**Mr D. S. Cooke:** What is 20, 20 and 20?

**Mr Grandmaître:** It is 20 per cent.

**Mr D. S. Cooke:** We are talking about municipalities?

**Hon Mr Grandmaître:** Yes.

**Mr D. S. Cooke:** We are not talking about school boards?

**Hon Mr Grandmaître:** No. In addition, the education portion of the tax loss to the 14 affected municipalities will be offset proportionally, adjusted by provincial GLGs.

**Mr R. F. Johnston:** Do I understand then that a board that is operating within the ceilings of the GLGs at this point would benefit by some assistance, but a board that is over the level of the GLG ceilings at this point would get no compensation at all, or how does that work?

**Hon Mr Grandmaître:** The level of approved spending for GLGs, but if they go beyond the approved expenditures it is their loss.

**Mr R. F. Johnston:** I know the minister is not responsible for school boards, but does he have any idea how many boards are working under ceiling these days, under approved costs?

**Hon Mr Grandmaître:** No.

**Mr D. S. Cooke:** How can the minister bring in a bill that affects school boards dramatically, but will only compensate them for their loss in assessment for the expenditures under the ceilings when he knows, I am sure, because he has met with municipalities and I assume he has met with some trustees about this matter—

**Hon Mr Grandmaître:** No.

**Mr D. S. Cooke:** He has not met with any trustees. If he had met with some trustees, he might find that there are only a couple of school boards in the entire province that spend at ceiling or below. Everybody else spends above spending ceiling. So what the minister is saying is that they are going to lose assessment and their compensation will not apply to the expenditures over the spending ceilings per student, which means the loss will be 100 per cent borne by the local ratepayers. There will be no compensation from the province whatsoever.

**Hon Mr Grandmaître:** I never said that. I know the member wants to ramble on. As I previously said, this was negotiated with the 14 municipalities and what the members have before them are the negotiated figures.

**Mr D. S. Cooke:** How many school boards were involved?

**Mr R. F. Johnston:** How many school boards did the minister talk to?

**Hon Mr Grandmaître:** All school boards and the 14 municipalities were involved.

**Mr D. S. Cooke:** I thought the minister said he did not meet with many trustees. I know how the process of negotiations went about with the municipalities. I know some of the members of municipal council who attended some of the meetings. I know the minister met with municipal councillors, but if the minister has not met with trustees, who met with the trustees? Who is responsible for this aspect of education if the minister has not met with his counterparts at the elected level for school boards?

**Hon Mr Grandmaître:** I did not meet with municipalities.

**Mr D. S. Cooke:** Sure you did. I attended a meeting that—

**Hon Mr Grandmaître:** That was when I was Minister of Municipal Affairs. That is when it all started. But staff of the Ministry of Revenue met with school board people and municipal officials.

**Mr R. F. Johnston:** Basically, the minister is telling us that the boards of Ontario that are included in this group, the 14 that have managed to pay over ceiling amounts probably because of the assessment of some of these companies that are involved, agreed and acquiesced to the notion that the government is not going to pick up the extra costs they are managing to pay through their local tax levy rather than through the GLGs at this point, that the minister is now depriving them of?

**Hon Mr Grandmaître:** I am being told by staff—I did say that we met with school boards, that staff met with school boards. I am being told that only municipal officials were involved in the negotiations.

**Mr D. S. Cooke:** Some consensus. The minister will not invite those people who do not agree.

**Mr R. F. Johnston:** I may be wrong, but I think the largest figures I heard in terms of loss as the minister went through them were not the upper tier or the lower tier, but they were the school board figures primarily. I remember some figures in the \$200,000 range for a couple of municipalities there; Windsor, for instance, but even significant ones in Maidstone. The minister cannot tell me today whether or not Maidstone, Thurlow and the other two communities in that small group are above ceiling at this point and what the impact is going to be on those boards by this move once he imposes this on them.



**Hon Mr Grandmaitre:** The answer is, no, I do not know.

**Mr R. F. Johnston:** What was the figure and the effect on school board loss of tax that the minister mentioned for Maidstone again? Could he remind me of that?

**Hon Mr Grandmaitre:** Yes. For Maidstone, in the first year, it is \$316,000, and in the second year \$197,000, but the total taxes lost to Maidstone in the year 1990 will be \$13,000.

**Mr Morin-Strom:** The minister had mentioned before that the fact the four municipalities were split off from the other 10 and given a five-year phase-out of any compensating grants had to do with this industry representing more than two per cent of the assessment base of those municipalities, I believe. Could the minister tell us, for each of those four communities that are obviously most seriously affected, what specific percentage—not just “more than two per cent”—of the assessment base is represented by the liquor distilling industry in those communities of Thurlow, Collingwood, Maidstone and Amherstburg?

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**Hon Mr Grandmaitre:** I had the figures but they are not before me. I can provide the member with a total list of the affected municipalities.

**Mr Morin-Strom:** Given the fact that the minister does not have some of his figures with him today, I suggest that perhaps we should stand down continuation of the discussion in committee of the whole until the minister has those figures.

**The Deputy Chairman:** Just before that, any other questions or comments on the bill as it stands? If the member for Sault Ste Marie cares to make a motion to that effect, he may do so.

Mr Morin-Strom moves that the committee rise and report progress.

Is it the pleasure of the committee that the motion carry?

All those in favour will say “aye.”

All those opposed will say “nay.”

In my opinion, the nays have it.

Motion negatived.

**The Deputy Chairman:** We may now therefore proceed with the discussion on the bill. If there are no other comments or questions, the member for Sault Ste Marie.

**Mr Morin-Strom:** The minister says he does not have the figures in terms of the assessment base for the four smaller communities. I wonder if the minister would be able to provide us with

the assessment base of the 10 larger communities that are also affected here. I believe they are Toronto, Scarborough, Brampton, Burlington, Mississauga, Hamilton, Waterloo, Windsor and Woolrich.

**Hon Mr Grandmaitre:** Could I ask the honourable member to define what he means by “assessment base”?

**Mr Morin-Strom:** My concern is with respect to the amount of the assessment base that is being taken out of these municipalities. The smaller communities in particular are going to face a severe penalty with respect to their property taxpayers when they have more than two per cent of their property tax base—it was the minister who brought up the figure representing more than two per cent of their assessment base. I guess I should be asking the minister what he meant when he mentioned that criterion.

The fact that a municipality would lose more than two per cent of its property tax base has to be of very serious concern to those municipalities particularly. Obviously, it means that if it was a two per cent loss—for all we know it may be 10 per cent of the assessment base for one or more of those communities. If one of those communities lost 10 per cent of its assessment base and had its compensating grants from the government and from this bill phased out over five years, then that property tax base would be gone and those property taxpayers would have to pay an additional 10 per cent at least on their property taxes to keep up to a given level of spending or service in those communities. I do not know what those percentages are.

We do know that they are at least two per cent for four of the communities in Ontario that are directly impacted by this bill. I would like to know from the minister how much the property tax penalty is going to be for those municipalities. Surely the minister knows what that percentage penalty is going to be, and he should provide it to the committee.

**Hon Mr Grandmaitre:** I am trying to answer the member's question but I still want to know what his definition of “assessment base” is. Then I can proceed to answer his full question. What does the member mean by “assessment base”?

**Mr Morin-Strom:** The minister is obviously unable to answer our queries. I do not believe it is the minister's role to be asking me questions with respect to the definitions that he sets as the assessment base. It was the minister who said that these communities are the ones who are getting a five-year phase-out of compensation, rather than a three-year phase-out, because



presumably the two per cent figure that the minister mentioned reflects a loss of property tax payments into those municipalities.

The impact on these communities has to be severe. These are not large cities. I do not believe they are even cities at all: Thurlow, Collingwood, Maidstone and Amherstburg. The minister is unwilling to assure us that they will get compensation for succeeding years. The minister's own figures show us that those four very small communities are going to have an ongoing annual tax loss of \$855,845 for this year. That is over \$200,000 per community. Then for next year there is going to be a further loss of another \$534,902 for those communities. It is well over another \$100,000 for each of those four communities.

Again, the minister's own figures document that the ongoing annual tax loss for those four communities is going to total \$1,390,747. He has the figures to the exact dollar. He must know what they are for each of those four municipalities and be able to relate those property tax losses to what the property taxes currently collected by those municipalities are. If we knew what the property taxes collected by those municipalities are currently and if we knew individually what their losses are, we would know how much of an impact this bill is going to have on each of those communities.

Surely the minister cannot be trivializing the loss of \$1.4 million in revenues to four communities in Ontario. I do not know how he can justify it. Can the minister justify the loss of \$1.4 million in tax revenues on an ongoing basis to the communities of Thurlow, Collingwood, Maidstone and Amherstburg?

**Hon Mr Grandmaitre:** I am still trying to make out the member's original question. This is what I want to get at because his follow-up question does not make sense until I really get the sense of his original question when I asked him what he meant. The question was, "Will they lose two per cent, 10 per cent of the assessment base?" My question was for him to define "assessment base" and he has not.

**Mr Charlton:** The minister obviously has none of the documentation with him here today to back the rationale for this bill. He has been unable to answer any of our questions here this afternoon.

On motion by Mr Charlton, the committee of the whole House reported progress.

**Hon Mr Conway:** If I might, just to remind everyone, by motion of the House we have agreed that tomorrow afternoon we will begin the proceedings here at 1:15 pm.

The House adjourned at 1:01.



## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

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- 
- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
 Beer, Charles (York North L)  
 Black, Kenneth H. (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
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 Charlton, Brian A. (Hamilton Mountain NDP)  
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 Cooke, David S. (Windsor-Riverside NDP)  
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 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St Catharines-Brock L)  
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 Faubert, Frank (Scarborough-Ellesmere L)  
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 Ferraro, Rick E. (Guelph L)  
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 Morin-Strom, Karl E. (Sault Ste Marie NDP)  
 Neumann, David E. (Brantford L)  
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 Nixon, J. Bradford (York Mills L)  
**Nixon, Hon Robert F.**, Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)  
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 Offer, Steven (Mississauga North L)  
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 Polsinelli, Claudio (Yorkview L)  
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 Pope, Alan W. (Cochrane South PC)  
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 Reville, David (Riverdale NDP)  
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 Runciman, Robert W. (Leeds-Grenville PC)  
 Ruprecht, Tony (Parkdale L)  
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 Smith, David W. (Lambton L)  
 Smith, E. Joan, (London South L)  
 Sola, John (Mississauga East L)  
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 South, Larry (Frontenac-Addington L)  
 Sterling, Norman W. (Carleton PC)  
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 Sullivan, Barbara (Halton Centre L)  
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 Tatham, Charlie (Oxford L)  
 Velshi, Murad (Don Mills L)  
 Villeneuve, Noble (Stormont, Dundas and Glengarry PC)  
**Ward, Hon Christopher C.**, Minister of Education (Wentworth North L)  
 Wildman, Bud (Algoma NDP)  
**Wilson, Hon Mavis**, Minister without Portfolio (Dufferin-Peel L)  
 Wiseman, Douglas J. (Lanark-Renfrew PC)  
**Wong, Hon Robert C.**, Minister of Energy (Fort York L)  
**Wrye, Hon William**, Minister of Consumer and Commercial Relations (Windsor-Sandwich L)

\*The alphabetical list of members appears in each issue. Lists of the members of the executive council, parliamentary assistants and members of committees, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.



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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**Second Session, 34th Parliament**

Thursday 6 July 1989

Speaker: Honourable Hugh A. Edighoffer

Clerk of the House: Claude L. DesRosiers

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 6 July 1989

The House met at 1003.

Prayers.

## ORDERS OF THE DAY

### PRIVATE MEMBERS' PUBLIC BUSINESS

#### ADULT INVOLVEMENT IN YOUTH DRUG OFFENCES

Mr Black moved resolution 15:

That, in the opinion of this House, recognizing that much of the criminal drug activity involving young people is initiated by adults and yet, since the abolition of the Juvenile Delinquents Act, which included an offence of "contributing to the delinquency of a juvenile," there is no adequate legislative provision by which to discourage or punish adults who recruit children for drug-related purposes, the government of Ontario should pursue discussions with federal justice officials concerning an amendment to the Criminal Code to create a specific offence of counselling, aiding, or abetting a youth to commit any offence under the Narcotics Control Act, Food and Drugs Act, Criminal Code, or certain provincial regulatory statutes. Such an offence should carry a greater penalty than a similar offence committed by an adult in relation to another adult.

**The Deputy Speaker:** The member has up to 20 minutes to make his presentation and may reserve any portion of that for the windup.

**Mr Black:** I am pleased to have the opportunity to present this resolution and to seek the support of all members of this House.

During the time I was doing the Report of the Task Force on Illegal Drug Use in Ontario, I had the opportunity to observe at first hand many of the problems which result from that particular social difficulty. I think all of us are familiar with the problems that result from that, but it is worth while that we should review those.

We know the fact that health care costs in this province are significantly higher because of drug-related problems. The taxpayers of this province face additional costs because of additional law enforcement. Productivity in business and industry is lower because of illegal drug use.

One cannot adequately describe the amount of human suffering that takes place within our

communities, the broken homes, the young people whose lives are destroyed, the marital breakdowns, all those resulting from illegal drug use.

I was told by law enforcement officers across this province that 70 per cent of property crime in Ontario can be directly or indirectly related to the use of illegal drugs. However, perhaps the most damaging statistic of all is that which deals with the potential of young people that is threatened and often destroyed by illegal drug use.

We know that young people are not the only people who abuse drugs. We know that increasingly, people in the adult community are involved in the illegal drug business and in the use of illegal substances, but the fact remains that young people, often at the most vulnerable time of their lives, become involved in criminal activity, in illegal pursuits, and they often do that because of encouragement from people in the adult community.

When I spoke to law enforcement officers from Ontario, from many communities in this province, from the Royal Canadian Mounted Police and the Ontario Provincial Police, as well as municipal police forces, I was told that one of the real difficulties they face is in trying to deal with those people who counsel younger people to commit crimes.

It is worth noting that up until 1984 there was a law called the Juvenile Delinquents Act, which dealt with people who counselled young people to commit crime. That act was replaced on 12 April 1984 by the Young Offenders Act.

Returning to the Juvenile Delinquents Act, clauses 33, 34 and 35 dealt very specifically with the problem of adults who counsel young people to commit crimes. It is worth looking at that legislation as it was in 1984.

Quoting from section 33:

"Any person, whether the parent or guardian of a child or not, who knowingly or wilfully aids, causes, abets or connives at the commission by a child of a delinquency or does any act producing, promoting or contributing to a child's being or becoming a juvenile delinquent or likely to make any child a juvenile delinquent is liable on summary conviction before a juvenile court or a magistrate to a fine not exceeding \$500 or to



imprisonment for a period not exceeding two years or to both."

That was the law of the land until 1984. At that time, the Juvenile Delinquents Act was replaced by the Young Offenders Act. It is interesting that when the Young Offenders Act came into being, some significant changes took place.

Before discussing those changes, however, I want to talk about the land as it was under the former Juvenile Delinquents Act. I have gathered some statistics here. These statistics were gathered from the office of the Minister of Justice at the federal level and showed the following.

In 1981, 897 adults were charged under the Juvenile Delinquents Act. There were 571 convictions in Canada as a result. In 1982, the charges laid against adults totalled 732, with 509 convictions. In 1983, as the Juvenile Delinquents Act was reaching the end of its lifespan, 608 adults were charged, with 366 convictions.

#### 1010

The point I want to stress is that up until 1984 people were being charged and people were being found guilty under the Juvenile Delinquents Act. As of 12 April 1984 that act was no longer in force and we had new legislation, the Young Offenders Act, and some changes took place.

Those changes removed those clauses which had penalties and particular penalties for people who aided or abetted or counselled young offenders to commit illegal activity. It is interesting to note that under clause 50(1)(a) of the Young Offenders Act there continues to be a penalty that was in the earlier legislation and deals with people who counsel young people to leave institutions to which they have been committed. But there has been, since 1984, no specific legislation which deals with the question of counselling young people to commit illegal activities.

What has happened in our society since that time is that we have seen a marked increase in the illegal drug trade. Part of the problem with the illegal drug trade is that many of the people who are acting as traffickers and who are acting as spotters and runners for the traffickers are young offenders. They are people who are being counselled by adults to commit crimes. Those people who do the counselling, who encourage young people to commit crimes, do not have the potential for being charged that existed previously.

We have organized crime looking at the question of the illegal drug trade, promoting the

use of young offenders, promoting the use of juveniles, promoting the use of children as young as nine and 10 years of age to participate in illegal activity.

They do that for two reasons. They do it, first, because they recognize that under the terms of the Young Offenders Act they themselves cannot be charged and that if the people who are committing the offence are charged, the penalties are likely to be very light. They do it also because having juveniles distribute drugs provides easy access to school grounds and to community and recreational centres across this land.

The purpose of my motion is to bring to the attention of people across Ontario and to the members of this Legislature the problems that exist. We now face a situation where organized crime is promoting drug use in this province as never before. We face the situation that throughout Ontario, in communities as diverse as North Bay, London, Toronto and communities across this province, organized crime is encouraging the involvement of young people in drug-related activities. That is a fact that is known to police forces across this province.

We have a situation where charges that previously could have been laid are no longer being laid; where situations are developing that encourage people in their most formative years to become involved in illegal drug activity.

In concluding the first part of my remarks, and I would like to reserve about five minutes for wrapup but leave some time for other members who may want to speak, I want to stress the fact that I had the opportunity during the Task Force on Illegal Drug Use in Ontario to observe at first hand the participation and involvement of young people in these illegal activities.

I spent an evening with the Metropolitan Toronto Police force and observed in a public housing development in the northwest part of Toronto as people purchased drugs from teenagers—young people who, I later found out, were 15 and 16 years of age. As we watched cars driving into the parking lot of that public housing development, there were younger people around the ages of nine and 10 who were riding around on bicycles as spotters and as runners, providing protection to the people who were doing the trafficking.

That problem, to me, is one that should be addressed. It can only be addressed by changes in legislation, specific changes which would once again make it an offence in this country for anyone who does counsel a younger person to be



involved in criminal activity. I ask all members of this Legislature to support the resolution.

**The Deputy Speaker:** If I understood, you would like to reserve five minutes for your windup. Do any other members wish to participate in the debate?

**Mr Hampton:** I am pleased to have an opportunity to speak in this debate, because I think this is an important resolution and because I think there is much that needs to be done and much that needs to be worked upon in this whole area of social policy.

Despite the fact that the resolution speaks in terms of the Criminal Code and speaks in terms of a criminal element in our society, I really believe that what we are dealing with here is a very broad question of social policy. The broad question of social policy is, first, how we deal with the problem of drugs in our society and, second, how we provide the type of guidance and the type of protection that children and young persons need in a society that is becoming ever more complex and complicated.

I will not say that I am totally, wholly in favour of the resolution as it is specifically worded. I think the concept of the resolution and what it aims at, that is, involving the province with the federal justice authorities in some rather detailed discussions about how to get at this growing problem, is a very good one.

I am not sure, however, that merely recreating what was in the old Juvenile Delinquents Act in terms of an offence of contributing to the delinquency of a juvenile and that measure alone, that single specific measure, will go a long way to overcome or combat the problem that is there now.

I want to explain briefly my reason for taking that position. Basically, it is this: I think what has happened out there, and when I say out there, I refer to many of our urban communities—this has not happened suddenly, it has happened over time, and I would suggest that we might learn something from the Americans here, because I think they are about 15 years ahead of us, 15 years ahead of us not in a progressive sense but 15 years farther down the road than we are in that they encountered some of these problems 15 years ago.

What is happening is that there seems to be a blurring of values, a loss of values in many of our communities, particularly among young persons. What can and has happened in many cases is that your capacity to make a great deal of money through the sale of drugs or through some other kind of organized crime activity may no

longer be frowned upon by members of the young community, but may in fact be glorified.

That in fact is what is going on out there. Whether it is through the sale of drugs or whether through some other criminal activity, your capacity to earn a lot of money, to drive a fast car and to live a high lifestyle in itself has become glorified, and the means you use to acquire that kind of wealth and that kind of material exhibitionism seem to be no longer of much importance.

In that context, if you see the problem that way, and I would argue that that is a fundamental of the problem, merely going back to the Juvenile Delinquents Act and re-establishing some of the elements that were in the Juvenile Delinquents Act will not, I suggest, turn around what is becoming a very large problem.

## 1020

If I can refer to the experience of the United States in the reign of the last President of the United States, Mr Reagan, the United States declared very openly and very aggressively a war on drugs and a war on crime. Police were given very great powers. Criminal lawyers would argue they are powers that are much superior to the powers which some of our law enforcement organizations have in Canada.

For example, there is the power to seize at customs on an almost unlimited basis where drugs are involved and the power to indict and prosecute an organization as a criminal organization under their so-called Racketeer-Influenced and Corrupt Organization Act; that is, where you have a legitimate business which is fronting for a drug distribution business or some other type of organized crime, they have the power not only to prosecute the criminal elements per se, but also to prosecute the legitimate business.

Despite all of those tools which have been made available to law enforcement agencies in the United States, the drug problem in that country is widely perceived to be out of control.

I think what we must note is that our provincial government and provincial governments from across the country must sit down very quickly with the federal government for a rather detailed discussion about how to deal with this very large problem. It is not just one of law enforcement authority and law enforcement officials having the tools. It is a much greater malaise than that; it is a much wider malaise than that, a much deeper one and, I would say, much more fundamental to our society in terms that we have a whole subculture whose values have been turned around or at the very least frayed to the extent that



illegal activity is not only accepted but in some cases—I would argue in many cases—is glorified at the community level.

I regard this resolution as an important first step, but let there be no doubt that I think the measures that need to be taken are much greater. Let me just detail, for instance, some of the recent events which I believe touch on how large the problem is. The federal government has cut its contributions to education. It has cut its contributions to child care. It has cut its contributions to the kinds of social service mechanisms that we need to enrich if we are to deal adequately with the problems of young people in society.

This province has simply not done enough because the fact of the matter is that when you get done juggling all the formulas, this province has cut its portion of funding to education. Let me leave no doubt about it. I think we will accomplish as much through education in these measures as we will through empowering the police with greater prosecutorial authority or with greater investigative authority.

I am in favour of this resolution. I think it is a good first step, but it is a good first step in what needs to be a very well thought out, broad plan of action on the part of the federal government, the provincial government and even municipal governments, I would argue, and certainly would involve the whole sphere of child care, youth education and education in general.

As I say, I will be supporting the resolution. I think it is a good one but I think it is only a good first step in a very long process.

**Mr Runciman:** I am pleased to participate in the debate this morning as well and to indicate our support for the member's resolution. I hope this resolution has a little more impact than his study on the drug problems in the province, which was an excellent study and I have commended him for it in the past. But the problem is that we have been dealing with, in effect, an antipolice tag team in the government of Ontario with the Premier (Mr Peterson) and the former Solicitor General, the member for London South (Mrs Smith), and we have had a great many problems—

Interjection.

**Mr Runciman:** Well, when we talk about crime in this province, much of it is drug-related. I will just put a few statistics on the record.

In Toronto between 1984 and 1988 the number of reported crimes of violence increased dramatically. Attempted murders rose by 35 per cent; sexual assaults increased by 38 per cent; other

assaults were up by 68 per cent; robberies increased by 43 per cent, and weapons possession charges were up 33 per cent. I think these figures indicate very clearly that the crimes against individuals, many of them fuelled by drugs, have increased significantly and that police are faced with more criminal acts to deal with than ever before.

Of course, one of the problems the member's resolution deals with is the problem of drug abuse and drug-related crime. This ties in with the street gang problem, and there is evidence to suggest that some street gangs are being solidified by the increasing public demand for drugs such as crack cocaine.

The member has indicated that his party has been more active in the past in terms of trying to address the very real concerns of the policemen and policewomen across this province. I want to put another example on the record.

As the member will know, the major tool available to government to control drug use and drug-related crimes is increased drug enforcement by police. The Attorney General (Mr Scott) recently showed an amazing insensitivity to the plight of police when he criticized senior officers who had expressed displeasure with one- and two-week jail sentences a judge had handed out to drug users and sellers.

The policemen in question, who said they were going to monitor future sentences, were only expressing a frustration about the revolving door syndrome and did not deserve to be rebuked by the Attorney General of this province. That is the kind of attitude that I think is sending out very much the wrong messages to the people of this province in respect to law enforcement, and certainly the wrong messages to policemen and policewomen.

I think the action of the former Solicitor General in respect of the Lucan incident is another unfortunate situation because of the messages it sent out to the police forces. We look at the Solicitor General having an in-house investigation done by the Ontario Provincial Police of her activities that evening, but if you look at a police officer, a cop on the beat, having an allegation laid against him or her, that would require a separate, independent force to come in and take a look at those allegations.

In this incident, we had the former Solicitor General having her own force, as the top cop, taking a look at her activities that evening. It was terribly inappropriate and sent out the message that there is one requirement for the cop on the street and very clearly another requirement for



the Solicitor General of this particular government.

Another area I want to talk about as well is the question of the recent Race Relations and Policing Task Force. I had some difficulty with a number of the recommendations in terms of the impact they would have on police forces across this province. Again, I want to talk about some of those recommendations briefly, if I can, which have not received too much attention but will give members an indication of the kind of impact they are going to have on police forces across this province.

Permitting officers to draw their guns only when threatened with death is one of the recommendations. Previously, they could draw their guns if they were threatened with grievous bodily harm, but now, if this Liberal task force has its way, they have to be sure they are going to die.

Another proposal is to prohibit police officers from shooting at fleeing suspects. If a murderer flees the scene of a crime, he can do so with a smile and a wave at a defenceless officer.

The report also recommends that it be easier to charge officers who fire their weapons. So an officer not only has to consider the restrictions on drawing a revolver but also the consequences of firing it, if drawn—all in a split second, of course.

The report also recommends that the race or skin colour of at-large suspects not be released. This would reduce the chances of apprehending criminals and would cripple effective programs such as Crime Stoppers.

**1030**

I could go on with a whole range of recommendations that cause me concern in respect to that report. I do not think there is any doubt that all members of this Legislature would like to see police forces reflect the composition of the communities they serve. But using this report as justification for some rather dramatic changes in the way police forces operate across this province is worrying, to say the least.

I do not blame the task force especially. Establishing it was a knee-jerk reaction without giving proper time to carry out a thorough job in such a sensitive area. A concern with respect to that task force is that it was using hearsay evidence and witnesses were not subjected to cross-examination. If members have read the report, taken a look at it, some of the hearsay evidence, which is unbelievable to anyone simply scanning the pages of the report, the task force used as justification for some of the recommendations.

I will give members an example. One chap appeared before the task force in Windsor and said if there are five people walking across the street against a red light, three of whom were white and two coloured, then the two coloured pedestrians would be charged with jaywalking. That was accepted as a reason by the task force for some of the problems it perceives to exist in respect of police forces across this province in terms of their treatment of minorities.

I have a lot of difficulty with that and I am sure most police officers across this province do. But it is not surprising to see the approach of this government. Time after time, we have seen police officers killed, wounded or injured in the line of duty. I cannot recall the Solicitor General on one occasion standing up and expressing condolences or sympathy to the family of an officer killed or wounded in the line of duty. At the same time, we have witnessed the appearance of two Liberal cabinet ministers at the funeral of Wade Lawson, an individual who was shot by a police officer while driving a stolen car.

I would ask members to ponder the fact that two cabinet ministers can attend the funeral of someone shot driving a stolen car, yet the Solicitor General of this province, the top cop, cannot get up in this House on any occasion and express condolences about an officer injured in the line of duty.

No doubt the member for Muskoka-Georgian Bay (Mr Black) is well intentioned in respect to this resolution and other activities he has conducted himself in regard to the drug problem in this province. We are hopeful in terms of the upcoming cabinet shuffle that perhaps he will have increased responsibilities in this area and that perhaps we will see something meaningful done in respect to improving things.

**Mr Furlong:** That's a death blow.

**Mr Runciman:** Well, as long as Patti Starr is not on his list of contributors he has a chance. There are not too many in that group who do not have Mrs Starr on their contribution list. So on that basis, they have got to be in the running.

I am going to be optimistic. If indeed the member is fortunate enough to find himself sitting in the executive council, then I hope he is in that role because I believe he has expressed very genuine interest and concern in respect to the drug problem, especially as it affects the youth of this province. So I wish him well. I am certainly trying not to be terribly partisan with respect to my concerns about the drug and crime situation in this province generally.



I promised to save a minute or so for my colleague the member for London North (Mrs Cunningham). So again, I compliment the member and wish him well with his resolution.

**Mr Offer:** It is a privilege and an honour for me to rise and speak on this resolution because I believe it is an extremely important resolution and one which I support, not only in its wording, but in its principle and in its objectives.

I would like at this point to compliment the member for Muskoka-Georgian Bay not only on this resolution, but of course on his work to date on this matter. In his report, which is widely acclaimed and well received across this province and beyond, he has made important recommendations dealing with a problem that all persons share.

Everyone has a part to play in stopping illegal drug use: politicians at all levels, community groups, associations and individuals throughout this province, by talking together, discussing, sharing, understanding, addressing and attacking this concern, this cancer on our society. This is a resolution which has as its focus drug activity and young people.

I would like to just read part of that resolution, because it states, "That, in the opinion of this House, recognizing that much of the criminal drug activity involving young people is initiated by adults...." I think that is important; it is an important focus to this resolution.

As members of this Legislature, we have both a responsibility and an opportunity to address this problem, not only by carrying on the work and recommendations of the report of the member for Muskoka-Georgian Bay but in supporting this resolution. We are living in complicated and challenging times. I know that many will and can say that the complicated and challenging times today are no more or less than that of years ago, just as the challenges of the future will be no more or less than we have before us today.

Of the future, who can say? However, I believe that the pressures and challenges of today are greater than those of the past. There are greater peer pressures; there are messages from all sorts of media: television, radio and print media; there are socioeconomic factors. All play a role of unending stress and strain on many persons—in particular, on our youth.

As a father of three girls, none of whom is yet over the age of 10, I too see and understand the stress and strains, even at that age, from so many quarters in our society. This does result, in my view, in some being more vulnerable than others, and those who are vulnerable are vulnerable to a

greater degree than they otherwise would have been.

It is this vulnerability which has in part resulted in a growth of drug-related activities, the likes of which I do not think we have ever seen before. This is a growth across this land; it knows no boundaries. It is not only a city problem. It strikes the cities, the suburbs and the rural areas; all have been touched. It must be viewed as a threat not only to our youth, to whom this resolution directs its mind, but also indeed to the very underpinnings of our society.

It is through this vulnerability that some people—and I use that word reservedly—prey on others: our youth. They exploit weaknesses. They ruin lives, either through death or dependency. I sometimes feel, in discussing and thinking about this issue, that the immensity and gravity of the problem itself is only surpassed by the cruelty of its consequences: young lives lost in many ways to all of us.

We have an opportunity to attack this problem. I say "attack" because there is no room just to address it. It must be attacked: attacked through education, police activity and resources, and the consequences of law-breaking activities. This resolution speaks, in the main, to improving the severity of consequences of law-breaking activities, and it is one which, as I have indicated earlier, I wholeheartedly support.

1040

The member for Muskoka-Georgian Bay has previously alluded to the Juvenile Delinquents Act which, prior to its repeal, included an offence of contributing to the delinquency of a juvenile. We know that act has been repealed. We know that it has been replaced by other provisions as well as, in the main, the Young Offenders Act.

Through previous discussions in this very House, we are aware of some of the problems with the Young Offenders Act. For instance, we are aware of the initiatives of the Attorney General in seeking change to the Young Offenders Act, change which has been well documented already.

I can only reiterate my support for this resolution. Clearly, unlawful activities by a fully mature adult, which involve leading a susceptible youth to crime or to ingest drugs, should be viewed harshly and dealt with severely by the criminal law. They pose one of the greatest threats to the protection of the public, because that youth may, as a result, become involved in criminal or other antisocial activities on a long-term basis.



In the few minutes remaining to me, let me say that I have had occasion to look through the Criminal Code of this country. It brings to light first that there are provisions which come to grips in some fashion with the subject matter of the resolution, but most important, I think it clearly shows that there is room for improvement and there must be improvement. That is why this resolution which speaks so clearly in terms of the government of this province pursuing "discussions with the federal justice officials concerning an amendment to the Criminal Code to create a specific offence of counselling, aiding, or abetting a youth," is one which is so very necessary.

For instance, section 21 of the Criminal Code states in part, "Every one is a party to an offence who (a) actually commits it" or aids and abets, helps or encourages another person to commit a crime. In that instance, for a person who helps or encourages it is as if they have committed the crime.

The Criminal Code goes on in the very following section 22 to talk about a person counselling another person to be a party to an offence, and if that offence is committed, then that person is also guilty of that offence. Further, a third example within the code is section 464, which talks about counselling an offence which has not been committed. It talks about where a person had counselled another in the commission of an offence, whether that offence has or has not been committed, the person who has counselled is guilty of an offence too.

There are provisions in the Criminal Code that come to grips in some way with the subject matter of the resolution at hand. I read those provisions to bring forward a greater need for this resolution to be passed by all members of the Legislature, because of the encouragement, the obligation, the responsibility, the need to look at the code, to look at it in terms of addressing amendments to the code, so that there is clear criminal responsibility in terms of adult persons aiding, abetting, helping or encouraging young people in terms of drug-related activities.

This is a resolution which is important in its principle, in its objectives and its wording, not only to all members of this Legislature, but to everyone in this province, and I ask all members to support this resolution of the member for Muskoka-Georgian Bay. It is one which needs and deserves our support and I look forward to this House doing so.

**Mr Philip:** I had a certain emotional reaction not to speak on this for the simple reason that the

member for St Catharines-Brock (Mr Dietsch) feels very strongly about this matter and I know he wanted to speak and cabinet ministers are not allowed to speak or do not generally participate. This may be his last opportunity to speak in private members' hour before the Premier appoints him to the cabinet.

**Mr Dietsch:** That's it for that guy too. Thanks very much.

**Mr Philip:** If the Premier has any sense and knowledge of talent, then he certainly will look at that appointment.

Coincidentally, last night I received the following note—I will not read the person's name, but Mrs So-and-so lives in a particular housing development, and it is mentioned. The note says: "She cannot come in to see you this evening as she is working this evening, but she is afraid to come home at night because of the drugs on the street. She is afraid of her children. Can something be done?" That is a phone call that I have to return later in the day to speak to her.

In our community, we are trying to do a number of things about the drug problem. We just recently had a march against drugs. We have had some rallies, including some rock bands and various people trying to create both an intellectual and an emotional reaction against drugs.

Anything that can be done that will send out the message that there is a problem and that we have to act severely on those who are making money by exploiting young people and other people has to be supported.

I am told by one of the people I have been working with in a particular Ontario Housing development that certain young people there are actually dropping out of school because they are being paid \$10 an hour to act as spotters. Spotters drive on their bicycles around the neighbourhood and when the police or the detectives are seen, they have certain whistles and codes and the drug dealers disappear.

To a young person living on family benefits in a single-parent home in Ontario Housing with very little spending money, \$10 an hour means \$120 a day times six, which means an awful lot of money to that young person. It means that he or she can drop out of school, buy a car and do all the kinds of things that he or she sees on TV and that are so glamorous.

Part of the problem is not just the matter of enforcement, not just backing up our police, our courts and our prosecutors, but also in looking at the problems that motivate young people to go after that fast buck, in correcting some of the problems.



There is nothing worse, in my mind, than the exploitation of children. Probably the worst case, to me, is the kiddy-porn phenomenon where young children are being exploited sexually.

There is, as has been pointed out, under the Criminal Code a fairly clear section on aiding and abetting, and under the old Juvenile Delinquents Act, there was a section. However, there were some problems with it. If the members read in the Law Society of Upper Canada Criminal Code Procedure 1983-84, it deals with that.

It says that, "If the accused can establish, for example, that the physical attributes of the child, or the general conduct of the child, or the circumstances of the particular case were such that a reasonable person could probably not know that the child was under 16 years of age, such evidence will amount to a complete defence."

Of course, the pimps, the johns and those who exploit young children for various types of offences that I will not describe here, but which I think all members would agree are reprehensible, have used this.

None the less, what this resolution does is say, in addition to the Criminal Code, let's add as many things as we can, give as many tools as we can, as many weapons as we can, to the police and to the crown attorney to catch those people who are using young children not just for the sale of drugs, but for other various types of illegal purposes. Therefore, one has to support that.

**1050**

When I was recently in part of Latin America—not recently, a couple of years ago—I was kind of shocked at the number of times I was offered drugs by some young people on the street. Naturally, I did not purchase any; none the less, I was quite shocked that I was offered them so many times just walking along the street. When I asked one of the guides why all these children were out there, he said the real pushers hide behind the children because the children get off and do not have anything happen to them.

We can see that in a very poor Latin American country where people will do practically anything in order to survive. We do not accept it, but we can at least see why it may happen. When it is happening here in a rich society, we have to be ashamed that such things are going on and take some steps to resolve them.

I am in support of this resolution. I think it adds an extra tool. It is not the only solution. I think if this government would spend more of its advertising dollar on lifestyle advertising attacking the drug system, the quick fix, the easy way to solve one's problems, and showing that it is

not a quick fix, that is the fastest way to degradation and to death, rather than spend its advertising dollar on what some of us might consider propaganda rather than legitimate advertising, then that would be another solution.

None the less, this is a step, and any step that can be taken that will reduce this terrible problem should be supported. That is why I urge all members of the House to support the member's resolution this morning.

**Mrs Cunningham:** It gives me a great deal of pleasure to speak to this motion by the member for Muskoka-Georgian Bay this morning. I would like to start by thanking the members, especially the member for Etobicoke-Rexdale, for leaving me some time.

We are all very much aware of the Report of the Task Force on Illegal Drug Use in Ontario. It is somewhat of a concern to many of us that we must come forth with these kinds of resolutions to support, enhance and give credibility to and to seek more action from this government with recommendations that were very well thought out and that are very necessary in support of stopping, banning and dealing with the problems of illegal drugs in Ontario.

I think all of us are very concerned about this problem, which has been described by parents as the greatest one of all in dealing with our young people. To think that in this province one would have to have a resolution such as the member's advising us that there is no adequate legislative provision by which to discourage or punish adults who recruit children for drug-related purposes says something about our society.

First of all, we are basically openly recognizing in a very real way that this is a real problem, and that is to think that adults would use children for drug-related purposes at all is something we should all be very much ashamed of.

To have to move now, just a year after the report was released, and come forth with this notice of motion, I think, for a couple of reasons certainly, to draw more attention to the very real problem we have in Ontario and the very real concern that members in this House, and especially the member for Muskoka-Georgian Bay, have for this problem, is a real issue for the Legislative Assembly of Ontario.

Paper does not solve problems, and laws do not always solve them, but in this instance, if it gives more clout to police officers to enforce legislation, then that is exactly what we have to do, if that is the only way we have to deal with these abusers of young people. That is what they are.



So, of course, I am in support. I was very much concerned some four years ago when we saw the section in the old Juvenile Delinquents Act repealed, and when we had great discussions in the writing of the Young Offenders Act that said that this automatically and over a very short period of time would be a clause within the Criminal Code. Most of us working in the field thought that this really would have happened a long time ago.

So if it is Ontario, because of this particular resolution today, that will provide the clout to get this particular amendment into the Criminal Code so that the police will hopefully have more legislation behind their work and so that adults will find out that in fact the offences will be dealt with appropriately either by imprisonment or tremendous fines, hopefully imprisonment, then certainly this will give our young people one more opportunity, I think, to be dealt with fairly in the fact that we will be taking away one of the causes. These are adults who would do such a horrible thing as use young children to distribute drugs.

I would like to take this opportunity to appeal to the member for Muskoka-Georgian Bay in another area that I think we could be helpful in, and that is taking a look at a set of guidelines to go along with the Education Act in dealing with truants. He knows from his experience with young people and as a former administrator in a very important school system in Ontario, that what happened when he and I were working in those school systems in dealing with young people who habitually stayed away from school was that they were given counselling and guidance. Preventive matters for future truancy are not allowed to happen nowadays and in fact it is not happening.

It is fine for us to sit here and say that the school systems are dealing with it when they very clearly have advised this government that they cannot. So the home and school councils, as well as the school boards, are asking the Minister of Education (Mr Ward) to take a look at a set of guidelines or amendments to the act to assist him with the problems of truancy.

It is a pleasure to speak in favour of the resolution this morning.

**Mr Black:** I want to thank all members of the Legislature who have expressed their support for the resolution. I want to make one or two comments about some of the comments made by those members. I agree 100 per cent with the member for Rainy River (Mr Hampton) when he suggests that this resolution is not the total

answer. All of us in this House would recognize that no single resolution, no single aspect of the problem or attempting to deal with a single aspect of the problem is the total answer. But I do believe it is one small part of the solution.

We know from our experience that controlling the problem of drug abuse is one that requires attention both to the supply aspects and to the demand aspects. We have to work at trying to reduce demand for the product and we are doing that through sound educational programs which will be improved over the next year or so. At the same time, we have to work on controlling the supply and we have to take whatever steps are necessary to allow us to do that. This resolution is one small part of that.

I am pleased with the support of the member for Leeds-Grenville (Mr Runciman). I appreciate his comments. I have to say that I feel a little bit like I have been touched with the kiss of death, but hopefully that will not be the case. I must say that I categorically reject two of the things that he perhaps suggested in his comments. Since our party came to power, the solicitors general in this province in the past have done excellent jobs of providing leadership. We have one of those men in the House this morning. The most recent former Solicitor General is not here, but I want to say very clearly and without equivocation that all of us who sit on the government side of the House are proud of the performance in that role by previous people.

I also want to say that this government is taking action on the Task Force on Illegal Drug Use in Ontario, and any suggestion to the contrary is simply not valid. We have seen recommendations being implemented by the Ministry of Education. We have seen major steps taken forward in terms of providing funding for in-service programs for teachers. We have seen committees working hard to develop guidelines for board policies. Under the leadership of the Minister of Health, we have seen tremendous strides taken towards looking at treatment and counselling programs in this province. Our Attorney General has met with his provincial counterparts and with the federal Minister of Justice; they have been discussing, and I hope will continue to discuss, possible revisions to the Young Offenders Act.

**1100**

Once again I want to go on the record in stating very clearly and very emphatically that this government has acted in terms of trying to address the problems of illegal drug use. Certainly, much more remains to be done. We



face a very serious problem. It is a social problem that is going to be with us for some time, I would suggest. No single action by government will solve the problem. It is a problem that will require the contributions and efforts of many people in our society.

We need to involve people from all sectors. We need to involve the government sector certainly—we can provide the leadership—but we need to turn to the corporate or private sector and to trade unions. We need to look to service clubs, to church organizations, to parents' groups, to health care professionals, to people throughout our communities, to unite together to form action groups which can begin the long road towards finding a solution.

I want to say that anyone who looks for quick and easy solutions will be disappointed. This is part of a major problem that faces our society today. It is not one that is limited to Ontario; it is one that is international in its scope, and its complexity is significant. But we have made progress and we will be making progress, and I can tell all members of this House that the government is and will be responding.

In conclusion, I want to simply quote one small paragraph from the report of the Task Force on Illegal Drug Use in Ontario:

"Much of the criminal drug activity involving young people is instigated by adults. Yet since the abolition of the Juvenile Delinquents Act, which included an offence of contributing to the delinquency of a juvenile, there is no adequate legislative provision by which to discourage or punish exploitive, pernicious adults who recruit children for their sinister purposes."

For that reason, I strongly urge the support of all members for this resolution.

**The Acting Speaker (Mr M. C. Ray):** The time allotted for this ballot item has expired.

### STORM WATER

Mr Philip moved resolution 16:

That, in the opinion of this House, the government of Canada should implement immediately effective storm water quality management measures at Pearson International Airport to eliminate potential water quality impairment in Etobicoke Creek and Mimico Creek due to airport runoff containing deicing chemicals, spilled fuels or other waterborne pollutants generated by airport operations.

**The Acting Speaker (Mr M. C. Ray):** The member will know that he has up to 20 minutes for his presentation and may reserve any portion thereof for a windup.

**Mr Philip:** There are federal guidelines for the discharge of effluents from airport facilities. These are set up by the federal Department of the Environment and accepted by the federal Department of Transport.

Pearson International Airport is discharging oxygen-demanding effluents hundreds of times in excess of the federal guidelines, particularly during the winter deicing months. These discharges end up in Mimico and Etobicoke creeks and they later end up in Lake Ontario. These pollutants are similar to the effect of untreated sewage from a city of 35,000 to 40,000 people.

We should commend the airports authority group of Transport Canada for a very frank and objective assessment of the existing water pollution problems due to deicing at Pearson International Airport. This report details a very serious problem, and I shall refer to it later. However, if I may, I will summarize the major issues that are before us in this resolution.

Staff-level reports from both Transport Canada and the Ontario Ministry of the Environment recognize that the present discharge of glycol-based deicing fluids at Pearson International Airport greatly exceeds environmental guidelines and that water quality impairment similar to that caused by sewage from a small city is resulting in Etobicoke and Mimico creeks as well as in the surrounding shoreline of Lake Ontario. This adds to the already overburdened aquatic environment problems in this area.

Recent news reports, which the members will probably have read, cite how municipal councils are concerned that storm water drainage contains fuel handling runoff from firefighting activities at the airport. One must admit that property containing any kind of industrial activity and significant areas of pavement can contribute to water quality and quantity problems, particularly when there is runoff into a storm sewer system. But the airport is a particular problem in the Mississauga and Etobicoke areas, and that is what we are addressing ourselves to this morning.

Transport Canada reports have demonstrated that the problems have been clearly identified and that corrective measures have been evaluated and are available. Transport Canada's ranking of the deicer problem at Canadian airports also shows that the need for mitigation action at Pearson International Airport is great.

Treatment and, hopefully, recycling of these materials from deicing activities should not be undertaken in isolation from other existing and potential water management issues at the airport.



A comprehensive approach to storm water management planning and implementation would ensure that effective mitigation of all of Pearson International Airport's significant water quality and quantity impacts on the Mimico and Etobicoke creeks and the Toronto waterfront can proceed.

What we are facing is a major concern of the residents of Etobicoke. The city of Etobicoke has been particularly concerned about improving control from spillage into the Mimico Creek from what has been termed as "an outdated refuelling system at the airport." The following clause, 177-W-89, of the 10th report of the works committee, 1989, was adopted by the council at its meeting held Monday, 15 May 1989:

"That a report dated May 2, 1989, from the director, utilities division, engineering works department, advising of the appearance of contaminants in Mimico Creek resulting from jet fuel being accumulated in the storm sewer which discharges into the creek as a result of sloppy fuel handling practices, and summarizing the action taken to eliminate the contaminants, be received;

"That the city solicitor, in conjunction with the director, utilities division, works department, forward an official letter to the general manager, Pearson International Airport, putting them on notice regarding this situation;

"That the Minister of the Environment, MPs and MPPs for Etobicoke and the trimunicipal committee be apprised of the problem, the arrived-at solutions and the timetable for rectifying this problem;

"That if further violations occur, the provincial Minister of the Environment be requested to press charges against the airport under the Environmental Protection Act; and

"That a copy of the aforementioned correspondence be forwarded to the city of Mississauga with notification of Etobicoke's displeasure regarding this matter."

There may be some problems with the second-to-last resolution concerning whether or not there is the jurisdiction for the provincial ministry to take action against the federal authorities. We have not been able to get any clear answer out of the provincial ministry's legal staff on this matter. Notwithstanding that, the solution is not for the federal government to wait until the province, in desperation, has to take it to court, or try to take it to court. The solution surely is that this Parliament let it be known to our federal colleagues that action must be taken immediately.

## 1110

Let me speak for a moment about the deicing at Pearson International Airport. Anyone who travels out of Pearson during the wintertime has experienced what I experienced only a few months ago. I sat in an aeroplane and watched six other planes being deiced and all of this material, gallons and gallons, poured into the drain sewers.

Transport Canada, which operates Pearson International Airport, is fully aware of the extent of river and lake contamination from using deicing compounds at its facilities. The agency has recently completed two significant documents which examine the problem. The first is an environmental impact assessment which considers the environment's fate and the toxicity of glycol-based deicers in general and examines specific impacts associated with their use at Pearson International Airport.

The second is a consultant's report describing the feasible solutions to control the contamination of storm water drainage with these compounds. The major characteristic of the deicers is that it makes them a pollutant in their exceptionally high oxygen demand, measured as a five-day biochemical oxygen demand. When discharged into the receiving waters these deicers, like other organic materials such as sewage, degrade—in other words, use up—available oxygen in the aquatic ecosystems.

The actual toxicity is quite low, but the removal of the oxygen creates a major environmental problem. It is a major problem to plant, animal and fish life. During 1984-87, an average of 1,179,797 litres of this deicer was used each year by the airlines at Pearson International Airport. By 1996, Transport Canada predicts that from 1,517,000 to 1,890,000 litres will be used during the winter and spring when aircraft deicing is done. Oxygen demands in the storm water from Terminal 1 and Terminal 2 are, on average, several hundred times greater than the acceptable level suggested by federal guidelines.

The effects of the deicers were also recorded in waters downstream of the airport. Transport Canada staff reported that their evidence conclusively shows these deicers are the source of these high oxygen demands and that the oxygen-depleting capability is the worst significant contaminant in the storm water from Pearson International Airport.

While Etobicoke and Mimico creeks are not exactly wilderness streams but rather highly modified urban water causeways, the fact is that the Ontario Ministry of the Environment has



recognized that just because streams are already contaminated is no reason for us to allow further contamination and in fact that we have to start reducing contamination rather than simply writing off certain waterways.

A study undertaken by consultants for Transport Canada reviewed the treatment and control measures which are currently available to deal with these deicers. Four options out of six which are feasible for implementation at the airport were reviewed in great detail, with preliminary designs and cost estimates provided. These were a centralized deicing facility with recycling and reuse, treatment of the runoff in an aerated lagoon, treatment of apron runoff on site with a rotating biological factor and treatment of the porous pad runoff using wet air oxidization.

What I am pointing out is that the federal government, in its various measures of having independent studies, has shown that we have a problem. The federal government has admitted that we have a problem. The provincial government, in its own internal documents and studies, has admitted that we have a problem. What we need now are the solutions.

The solutions, however, have been identified already by the federal authorities. Indeed, we know that such solutions are working in other airports elsewhere. So we have a problem; we have the admission by both federal and provincial governments that it is a problem; we have identified ways of solving the problem; these ways have worked elsewhere. What we need now is for the federal government to act.

I ask all members to support this resolution in the hope that we will encourage our federal colleagues to take the action necessary to stop the contamination we are presently experiencing from Pearson International Airport.

**The Acting Speaker:** May I ask the member if he is reserving seven and a half minutes?

**Mr Philip:** I would like to reserve four minutes of that to respond to members' questions. I believe the member for Brampton North (Mr McClelland), the parliamentary assistant to the Minister of the Environment (Mr Bradley), would like to speak, and I would like, with unanimous consent, to give him some of that time.

**Mrs Marland:** I am pleased to speak today on this resolution calling for the implementation of effective storm water quality management measures at Pearson International Airport to eliminate potential water quality impairment in Etobicoke Creek and Mimico Creek due to airport runoff containing deicing chemicals,

spilled fuels or other waterborne pollutants generated by airport operations.

May I say at the outset that the Progressive Conservative Party will be supporting this very practical resolution.

Pearson International Airport is one of Canada's busiest airports, serving hundreds of thousands of aircraft every year. With this activity comes the very real concern that pollutants from an airport operation of this size must be affecting rivers and creeks that drain the airport property.

We already have strong evidence showing that spilled aviation fuel has been entering sewers at the airport and entering nearby creeks. A recent incident involving an accidental discharge of firefighting foam in a hangar area also led to contamination of a nearby creek. During the winter months, a very substantial amount of deicing fluids has been entering both the Etobicoke and Mimico creeks.

The significance of what goes on at Toronto's international airport, of course, is particularly close to my own responsibilities since the airport falls totally within the geographic jurisdiction of the city of Mississauga.

Other potential water quality concerns include leaking fuel-storage tanks, contamination of ground water by solvents and other chemicals used by aircraft-related industries on airport land, runoff water quality problems related to suspended solids, runway deicing and rubber removal.

The volume of storm water drainage from such a large area must have special handling to prevent the flow of toxic chemicals into the receiving waters. I see the problem as twofold.

The first is that there are chemical handling problems at Pearson airport that need to be addressed. Outdated equipment and poor handling of chemicals has been part of the problem. Part of the solution is to deal with the discharge and contain it in a responsible manner, not just flush the problem downstream and into Lake Ontario. What we need are proper recycling and treatment facilities on site to deal with the daily pollution coming from the airport.

However, let's look at this problem on an even broader basis. Three years ago, the Minister of the Environment announced he would bring forward an urban drainage management program to regulate the treatment of storm water. To date, he has still not told us when we will see these regulations.

1120

The minister knows that a storm water treatment strategy is essential to keep Lake



Ontario clean, as well as the beaches. It is my understanding that the urban drainage strategy has been before the minister on several occasions but has not yet been approved. The Liberal government is once again dragging its feet on a very important program that should have been initiated years ago.

The Minister of the Environment talks about his municipal-industrial strategy for abatement program and his LifeLines program. However, neither does anything for storm water management. MISA is several years behind schedule and LifeLines has been criticized for not including enough money for the municipalities.

**Mr Faubert:** Why don't you blame the right jurisdiction?

**Mrs Marland:** The budget allocated over \$40 million for water and sewer projects, but capital projects under LifeLines for infrastructure renewal will only receive one-third funding from the province—

**Mr Faubert:** Because the feds won't cooperate.

**Mrs Marland:** —leaving the other two thirds to be paid by the municipality.

**Mr Faubert:** No, it's one third-one third.

**Mrs Marland:** The fact is that staff-level reports from both the Department of Transport and the provincial Ministry of the Environment have recognized the problem at Pearson. Discharges greatly exceed environmental guidelines, so much in fact that I understand the water quality impairment is similar to the impairment produced by a small city.

While Pearson International Airport is a very specific example of an industrial-type site in need of storm sewer management, we must not lose sight of the great need for a comprehensive approach to storm water management planning and implementation throughout Ontario. Special attention is required immediately where there is a proven need. Densely populated areas and industrial zones are of real concern.

I am certainly happy to notice that the member for Scarborough-Ellesmere (Mr Faubert), who never seems to get a chance to speak on his own behalf, is now across the floor of the House tutoring the member for Etobicoke-Humber (Mr Henderson) who I assume will be the next speaker on this motion. It is good that kind of coaching goes on because I always find that the member for Scarborough-Ellesmere is great at sitting over on this side with us and giving his interjections out of his frustration about not getting to speak on his own behalf, but I am sure

eventually his House leader will give him that opportunity. Nevertheless, I am sure the member he is now instructing will be able to convey his message on his behalf.

Today's resolution does address a specific concern, a concern that cannot be ignored. Our rivers and creeks, as well as Lake Ontario, must be protected from further deterioration. Through a carefully planned and implemented environmental management program at Pearson International Airport, we can at least make a start in dealing with our water quality. Pearson airport, like any large industrial site, must have plans and facilities in place to deal with pollutants produced. We know these pollutants must be used during the operation of the airport, so why not move now to deal with the problem.

I would call on all responsible members of this Legislature to support this resolution, as I will be today. A more active role by industry, government and individuals must be taken if we are to make inroads in cleaning up our environment.

In closing, I would like to commend the member for Etobicoke-Rexdale (Mr Philip) on his bringing this resolution before us this morning and in recognizing the fact that Pearson International Airport or Toronto International Airport or Mississauga International Airport, as Mayor Hazel McCallion likes to refer to it, is obviously a huge problem in this area, one that has to be recognized as the airport traffic and associated business increases.

We are now going to have our third terminal open soon. It is presently under construction. Obviously, with the growth of air transportation, commercial, private and passenger, we are looking for these plans to be in place to protect the environment before that expansion continues.

**Mr Henderson:** I am very happy to speak to this resolution put forward by the member for Etobicoke-Rexdale. There are very good reasons for supporting this resolution quite apart from the acknowledged wisdom, breadth and social conscience of the member. The Etobicoke and Mimico creeks are important waterways in and near my constituency. It is of course good to know that a fellow Etobian has chosen to seize the initiative on this matter.

I shall be supporting this resolution. I may say that I am going to bypass for the moment some of the atrocious allegations made by the member for Mississauga South (Mrs Marland) and hope we can leave a little time for the member for Brampton North, who I am sure will want to respond.



Honourable members who make frequent use of Pearson airport will have watched, as I have watched, the deicing of aircraft in progress, watched the deicing fluid sloshing off the wings and wondered whether that fluid finds its way to storm sewers in the area.

Etobians who have seen the Etobicoke and Mimico creeks in the winter, in January or February, may have wondered why the creeks were not frozen. Only very recently did it occur to me to connect these two observations. Chemical runoff from Pearson airport is a factor in lowering the freezing point of the assorted contents of the Etobicoke and Mimico creeks. The used deicing fluids from the airport drain into storm sewers, which in turn find outlet into one or other of these waterways.

No fewer than six sampling runs of the contents of those creeks have been taken, a couple of winters ago, by our Ministry of the Environment. These samples from the streams and storm sewers were tested for various deicing and other chemical contaminants.

Ethylene glycol and associated chemicals were indeed higher in the storm sewers draining areas used for aircraft deicing. Certain of the potential contaminants much exceeded federal guidelines, and there is of course every prospect that traffic at Pearson airport is going to increase, not decrease and that the amounts of these contaminants and deicers will in turn increase as well.

Ontario's Environment ministry accordingly recommended that the federal authorities find some way to treat the used glycol-based deicing fluids and that pending that, careful monitoring of storm sewer contents be carried out to assess the impact of these airport operations on the water quality of these two creeks.

Glycol-based deicing fluids are not the only cause for concern, however, in the airport area. Spilled aviation fuel, spilled firefighting foam and various other nonsoluble organic chemicals associated with airport machinery and maintenance have been cause for concern as well.

Leaking fuel storage tanks, leaks of various solvents and chemicals used in aircraft-related industry on airport lands, engine exhaust components, runway cleaning materials and many other substances require a real commitment to the effective management and treatment of storm sewer access and drainage and suitable measures of enforcement.

The city of Etobicoke has already expressed its concern about fuel spillage at the airport because of what it calls an outdated fuel filtering system at

Pearson airport. Indeed, only this past May, the Etobicoke works committee decided to draw to the attention of the general manager of Pearson airport the presence of jet fuel and other contaminants in Mimico Creek as a result of what it calls sloppy fuel handling practices.

The city of Mississauga was notified and the provincial Minister of the Environment was asked to press charges under the Environmental Protection Act should further violations occur.

**1130**

Incidentally, honourable members may be interested to know that the Department of Transport estimates that the oxygen consuming capacity of the deicing fluid presently discharged into the Etobicoke and Mimico creeks to be about equivalent to the amount of untreated sewage that could be generated in a city about the size of Barrie.

The continued release into these two small waterways in and near my constituency of glycol-contaminated storm sewage water with an oxygen demand equivalent to the sewage from about 40,000 people is, clearly, highly unacceptable. What can we do about all this?

A centralized deicing facility could be prepared with deicing fluid recycling and reuse provisions, special treatment of the airport apron runoff and an aerated lagoon could be undertaken as a standard procedure. On-site treatment of apron runoff in a suitable biological process and the treatment of porous pad runoff using a form of oxidization process have also been considered and recommended.

I am very happy to be able to offer these various observations and comments in support of this very worthy resolution put forward by the member for Etobicoke-Rexdale. I shall be voting in support of his resolution and I encourage my legislative colleagues of all parties to urge the Department of Transport to give these kinds of strong measures the very careful attention and consideration they deserve.

**Mrs Grier:** I, too, am very glad that this issue has been brought before the Legislature and that we have an opportunity to speak to it, because it is an issue, while primarily one of federal jurisdiction, that certainly involves the provincial government and the Ministry of the Environment because of the impact the airport has on provincial facilities, if that is the right word, such as the Mimico and Etobicoke creeks.

As a representative of Etobicoke-Lakeshore, I am very familiar with the airport. It is impossible to knock on doors in my riding when a plane is going overhead because you cannot hear yourself



speak. My constituents find Pearson International Airport to be something of a mixed blessing. We appreciate its convenience and we appreciate the industry and commerce that has been attracted to northern Etobicoke because of the location of the airport, but the noise bothers us. We worry about a proposed incinerator to dispose of international waste and we have worried for a very long time about the contamination of the two creeks that are mentioned in the resolution before us this morning.

When I was a member of city council in Etobicoke, we had to close down the natural ice-skating ponds in Centennial Park just south of the airport because the creek that flowed in and created those ponds never froze because it was contaminated with deicing fluid. That was, I think, 10, 12, or 13 years ago, so the problem is not a recent one.

It has been highlighted by recent spills that have been alluded to by previous speakers, and in fact by increasingly bad housekeeping on the part of the federal government because the problems that have been identified are resolvable if somebody has the will to resolve them.

The problems are due to excessive amounts of deicing fluid being used and just being allowed to run into the storm sewers and thereby into the creeks, by spills that ought to be contained, by obsolete facilities that ought to have been replaced some time ago, and by firefighters, either in practice or in reality. I guess you cannot say that they cannot put whatever they spray on a fire on the tarmac, but surely there should be some way of making sure that what is sprayed on a tarmac does not reach the creeks. The airport lies directly between both Etobicoke Creek and Mimico Creek, so they are directly and immediately affected when there is a spill or when there is contaminated runoff from the airport.

Two years ago, I prepared a report on the condition of Etobicoke's waterways that I called Fishable, Swimmable, Drinkable. It was a collection of information that had been prepared by the Ministry of the Environment and other jurisdictions on the state of the waterways that run through Etobicoke and of the waterfront, which is the southern boundary of my riding.

We were surprised, when we pulled together all those data, to find how contaminated Mimico Creek was, because the watershed, while developed, is not primarily an industrial area. It is a residential area surrounding the creek on all sides.

What was found was that the Mimico Creek water quality was generally worse than had been

reported for the Humber River and was comparable to the results for Black Creek, in spite of the combined sewer outflows to the latter watercourse. The report had found that the Humber River and Black Creek, being highly industrialized waterways, were severely contaminated.

For most parameters examined on Mimico Creek, the average values for wet weather were higher than for spring runoff. In wet conditions, faecal coliforms, total phosphorous, suspended solids, cadmium, copper, lead and zinc all exceeded the provincial water quality guidelines. Trace organic compounds were found more frequently in Mimico Creek than in other Toronto watersheds. The compounds detected included benzene hexachloride, chlordane, dieldrin, oxochlordane, polychlorinated biphenyls, dichlorodiphenyldichloroethylene, 2,4-D, dicamba, HCB, tetrachlorophenol, trichlorophenol and pentachlorophenol, all organic compounds that are known to be carcinogenic.

Similar findings were found for Etobicoke Creek, which we knew was industrialized, but we were really surprised at those findings in Mimico Creek. Obviously, the primary source of those compounds has got to be the runoff for the airport, which is why I support this resolution so strongly.

All of those contaminants that flow into the Mimico and Etobicoke creeks end up in Lake Ontario and many of them remain in the sediments that are at the mouths of those creeks. If you drive along Lakeshore Boulevard, you see the silt that is built up in the mouth of Mimico Creek. When the conservation authority attempted to dredge that silt and remove it, it was told it was hazardous waste and that there was no acceptable disposal area for that sediment. All of that sediment is on a shoreline that is going to be very heavily developed in the near future. It is on a shoreline where there has been excessive landfilling to create parks, but also creating embayment so that the sediments build up.

When I said the problem we are discussing today is primarily of federal origin, my reason for pointing out that there was a provincial jurisdiction was because the jurisdiction relating to that waterfront and to the sediments that are found at the mouths of those creeks is provincial. The fact that action has been so very slow in developing a remedial action plan for the waterfront of Metropolitan Toronto is a source of great distress to me and to many people who care about our waterfront.

The Minister of the Environment has a direct responsibility to get on with a remedial action



plan. It was supposed to have been completed by 1986, and here in 1989 there are still consultants, civil servants and committees looking at the nature of the problems and identifying objectives, but not moving to do anything about a very identified problem, contaminated sediments all along the shoreline of Metropolitan Toronto.

That is why I hope that in supporting this resolution today—it is easy to do; it is easy to blame another jurisdiction and to say, yes, the federal government ought to do something—the parliamentary assistant to the minister and other members on the government side will recognize that they too have a responsibility to move with remedial action plans and to question why, when an environmental assessment advisory committee recommended that there be an environmental assessment on the shoreline between the Humber River and the Mimico Creek before development and more lakefilling occurred, the minister refused to accept that recommendation and instead has come up with a Mickey Mouse plan that he calls an environmental management master plan, which does not even provide opportunities for public debate or public participation in the resolution of the problem.

We know there are solutions to the problems caused by the airport. The consultants have identified what could be done. They include the construction of a centralized deicing facility, treatment of apron runoff, treatment of apron runoff on site with rotating biological compactors and treatment of porous pad runoff using wet air oxidization.

We know how to solve those problems. It is appropriate to urge the federal government to get on with it, but it is also appropriate to recognize that the fact there are problems at the airport has contributed to downstream problems, and it is the responsibility of the Minister of the Environment of Ontario to do something about the downstream problems, to begin to deal with the contaminated sediments at the mouths of both of these creeks and to make sure that future developments, future plans for lake filling and expansion of existing lake fills do not make the problems worse and are not allowed to occur until we have cleaned up the problems that have been created in the past.

**1140**

I welcome the support for this resolution and I hope it supports the efforts of the city of Etobicoke in getting the federal government not only to clean up but to compensate the city for the cost of the cleanup which the city has already had to undertake when spills have occurred. While

the bill was sent to the federal government five or six weeks ago, the cheque, I presume, is in the mail. I hope it is, seeing that the federal Minister of Finance is also a representative of Etobicoke.

We welcome the support from members in Mississauga for this resolution and we hope the debate today will lead to some action, not just the sending of another resolution to Ottawa.

**Mr McClelland:** I want to say at the outset that I appreciate the courtesy of my friend the member for Etobicoke-Rexdale in providing me with the opportunity to speak on this matter and giving me a bit of his time. I appreciate that and thank him for it, although I may not use the full time allotted.

It has been mentioned by most if not all speakers this morning on this resolution and drawn to the attention of the House that there is a significant jurisdictional component to this resolution. Indeed, the responsibility for the airport and issues surrounding the airport falls largely with the federal government, and more particularly, the Department of Transport and the Department of the Environment.

I want to say for the record, with respect to this resolution, that the Ministry of the Environment has undertaken to work very co-operatively with those two bodies over the past number of years. We have sought to encourage them to resolve this very serious matter, certainly bearing in mind that each of us has a concern about water quality and the impact that it has not only on the tributaries leading into Lake Ontario, but as has been indicated by my friend the member for Etobicoke-Lakeshore, the impact on the Great Lakes water system as a whole, as well.

We began working with Environment Canada and Transport Canada on this and other matters, of course, shortly after taking office in 1985. Between 4 December 1986 and 14 March 1989, we have had 16 pieces of correspondence and memoranda which we have exchanged with officials at the federal level seeking to address this problem, deal with it and get on with the solution. We feel we have co-operated extensively with them.

I might add, in fairness to our colleagues in the federal House, that they have been co-operative to the extent that they have facilitated Ministry of the Environment officials in Ontario to do water quality monitoring along the tributaries in question.

It has been said that it is a federal responsibility and the fact remains that we have very little enforcement capacity in this particular matter. But the Ministry of the Environment has done



some testing in both creeks and has determined that a problem does exist. We believe very strongly that Transport Canada should take affirmative steps to address these problems. Some of them have been referred to and previous speakers have talked about possible ways of dealing with it.

Transport Canada, happily, has acknowledged that there is a problem of some severity and that corrective action and corrective measures need to be taken with the existing two terminals. I suppose if there is some good news in this scenario, it is that with the construction of Terminal 3, Transport Canada officials have indicated they will be insisting that part of the design will have holding tanks for runoff so that the contaminated runoff will be taken offsite for treatment before it is disposed of.

My friend the member for Mississauga South made many comments and I think was, in her nonpartisan way, castigating the provincial government. I want to mention again that the airport lands are primarily a federal responsibility, but we also have a tremendous concern.

My friend the member for Etobicoke-Rexdale mentioned a remedial action program with respect to the waterfront and the Great Lakes. Mr Speaker, as a member representing a community that borders on the Great Lakes system, you would know, as would many other members—I believe all members are aware of the fact—that we have a Great Lakes water quality agreement with our friends in the United States. We in the Ministry of the Environment of Ontario take very seriously our obligations and responsibilities under that agreement, bearing in mind that it is an agreement between our federal colleagues and the federal government to the south. We are partners in that agreement in terms of the principles and objectives set out in that water quality agreement.

It is difficult for us at the Ministry of the Environment to approach our friends to the south when we have concerns with respect to pollution issues arising in the Great Lakes states, when we look, as it were, in our own backyard and recognize problems such as runoff created at the Pearson International Airport running into Lake Ontario and contaminating the Great Lakes system.

I had the opportunity a few months ago in my capacity as the parliamentary assistant to the Minister of the Environment to participate in a dialogue on the Great Lakes water system in Montreal. We had in attendance representatives from the United States, the Great Lakes states,

the Mohawk Nation, Environment Canada, the Quebec Ministry of the Environment and other interest groups concerned with water quality in the Great Lakes and St Lawrence systems.

We have a shared responsibility at all levels of jurisdiction. Water pollution does not know boundaries; it does not recognize legislative jurisdiction. We have tremendous concern with our friends at the federal level that they get on with the serious problem before us.

I mentioned at the outset that we had considerable correspondence with our friends at the federal level, with Transport Canada and Environment Canada and airport officials. I quote a memorandum dated 29 December 1986, wherein the airport staff is recognizing the desire of the Ministry of the Environment to test and monitor what is going on and saying they would co-operate in facilitating our field trips and allowing us to work on studying the impact of airport deicing operations on the water quality of the receiving streams.

I think it is important to recognize that early on we began working with them in trying to determine, so we could bring a case to them and say we do have a problem. We set up monitoring systems along the tributaries to determine the impact of the runoff. Again, I do not think that pointing fingers and saying it is somebody else's responsibility solves the problem. We want to work with our friends at Transport Canada and Environment Canada.

I want to make a comment with respect to a portion of a letter dated 8 January 1987. It is from Transport Canada and says the following: "Aircraft deicing is the sole responsibility of the airlines or their agents. Transport Canada, as land owners, in consultation with Canada's airlines, through the Air Transport Association of Canada, is currently studying the environmental impact of glycol-based fluids at major federal airports, including Toronto's Lester B. Pearson and Ottawa International."

They have been studying that for some time, with the assistance, I might say, of the Ministry of the Environment. They have been able to determine that there are substantial problems that need to be dealt with.

It was mentioned, as well, that the city of Etobicoke has an interest in this. They too have been working with us at the Ministry of the Environment and with our federal colleagues.

**1150**

This is a problem that will not go away until some significant action is taken. I join my friend from Etobicoke-Rexdale in urging our federal



colleagues to work with us to continue the co-operative spirit and to ensure that a manageable process of dealing with deicing agents be undertaken immediately and this problem be dealt with in a substantial and appropriate manner.

The ongoing effect is something that is of great concern to us. I want to indicate to you that Environment Canada has said it has agreed with the conclusions of the report of the Ministry of the Environment and that it is prepared to set up a monitoring program it hopes will be under way shortly to do a daily quality testing for Terminals 1 and 2, in that area.

I want to again remind members that we are pleased with the commitment of our federal colleagues, who have said that at Terminal 3 they will ensure the runoff will be held in holding tanks and taken offsite for treatment.

As we vote as private members on this resolution, I want to again emphasize the fact that we all have a role to play. I am encouraged by the initiative taken by my friend from Etobicoke-Rexdale, thank him for bringing it to the attention of this House and hope it would help us as we proceed to work with our federal colleagues and the respective departments to have this matter dealt with and dealt with in an expeditious manner.

**Mr Philip:** I want to thank all members for their constructive participation and support of my resolution. I would also like to thank Lewis Yeager, who is a researcher in the employ of the legislative library. I had worked with him, expressing my concern. He pulled together a great many studies and was of great help not just to me but to the other members who had indicated they were interested in speaking; I was able to provide his excellent research to them, which was of assistance to them, and some of them have expressed to me their particular satisfaction with the work he did in this regard.

I want to thank the member for Mississauga South. I agree with her concern regarding the municipal-industrial strategy for abatement; there is no doubt that the implementation of MISA would have a positive impact on Etobicoke Creek and Mimico Creek. However, it would not affect this immediate problem, namely, the discharge from the airport; therefore, notwithstanding MISA, we still need the present action by the federal government.

I want to thank the member for Etobicoke-Humber, my colleague. He has always participated in these various debates in a nonpartisan manner, and he has added some interesting

technical arguments from the Ministry of the Environment.

I want to thank my colleague the member for Etobicoke-Lakeshore. The member always has a great deal of information on the environment, on which she is the critic, and has performed so ably in this House. She brought particularly interesting insights stemming from her long and successful experience as a member of Etobicoke council. She points out that this is not a new problem but one that has existed for a number of years, dating back to when she was an active member of Etobicoke council. One has to ask why we have had to wait so long for a cleanup. She points out that the silt at the mouth of Mimico Creek is so disastrous that now it cannot even be disposed of elsewhere.

The remarks of the member for Brampton North were particularly appreciated. The member points out that this is a problem that affects more than the residents of Etobicoke and Mississauga. He makes a very interesting point to our federal colleagues: "How can you ask for pollution controls by the United States when you have such an obvious source of pollution which is directly under your jurisdiction and which you have not yet acted on and that we have waited so long for you to act on?" He deals with the issue of the credibility of the federal government in negotiating over the reduction by the Americans of environmental problems on their side of the border. Let's clean up our own house and then we have a stronger argument to ask our friends in the United States to clean up theirs.

In conclusion, the passage of this resolution will send a clear message to our friends in Ottawa. The message will be that we have waited too long to clean up the airport pollution; the city of Etobicoke and the city of Mississauga have waited too long, and the people of Ontario have waited too long.

It sends the clear message that we accept the fact that the federal and provincial governments have done research, that the research conclusively shows that this is a major problem, and that there are solutions which are workable and which can be applied today to that problem.

In passing this resolution unanimously, we send a message to our federal government fairly clearly. I thank members for their support.

**The Speaker:** That completes the allotted time for discussion on these two ballot items. According to standing order 71(f), it states that no vote shall be taken until the clock strikes 12. However, if there would be unanimous agreement to go ahead?



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Agreed to.

ADULT INVOLVEMENT IN  
YOUTH DRUG OFFENCES

**The Speaker:** Mr Black has moved resolution  
15.

Motion agreed to.

WATER QUALITY

**The Speaker:** Mr Philip has moved resolution  
16.

Motion agreed to.

The House recessed at 1156.



## AFTERNOON SITTING

The House resumed at 1315.

## BUSINESS OF THE HOUSE

**Hon Mr Conway:** On this special day, with the Queen Mother visiting very shortly, I seek the consent of the House to reorganize routine proceedings for this day only.

The consent being requested is to allow us to have a minister's statement, namely, that of the Attorney General (Mr Scott), with responses from the opposition, after which we will move immediately to question period and complete as much of question period as we can before our recess at 2:15. Upon the resumption of the House at 3:30, we will complete question period, revert to members' statements, move through the remaining part of routine proceedings, then to orders of the day. That is the consent I now seek.

**The Speaker:** It has been requested by the government House leader that we put members' statements between oral questions and petitions today. Is that agreed?

Agreed to.

## STATEMENT BY THE MINISTRY

## PUBLIC INQUIRY

**Hon Mr Scott:** Today I am pleased to announce that Mr Justice Lloyd Houlden of the Ontario Court of Appeal has been appointed by order in council to conduct a judicial inquiry into, among other things, the relationship between Patricia Starr, Tridel Corp and unelected and elected public officials. In addition, today I am releasing the terms of reference for this inquiry which have now been approved by the Chief Justice of Ontario, as is required, as well as by Mr Justice Houlden.

Mr Justice Houlden will investigate and inquire into the circumstances that are set out in the terms of reference to determine whether a benefit, advantage or reward of any kind was conferred upon any elected or unelected public official or any member of his or her family.

The terms of reference contemplate a full inquiry encompassing the role of all MPPs, members of cabinet, municipal politicians and unelected public officials at both the municipal and provincial level, in any of their dealings with Patricia Starr or Tridel Corp. The inquiry will also investigate the relationship between any other individuals or corporations and Patricia

Starr or Tridel Corp in relation to elected or unelected officials.

As members may know, Mr Justice Houlden has been a distinguished member of the bench for 20 years. His experience includes an appointment as arbitrator of the York county teachers' strike in 1972 and as the mediator in the dispute between the auditors and liquidators of the Canadian Commercial Bank and the Northland Bank. I am confident that his expertise and experience will serve the people of this province well.

I think one additional matter of great importance should be addressed now. In the last few weeks, in connection with these matters the names of a number of individuals have been prominently mentioned in the press and in the House. Some of them are public servants who made long and distinguished contributions to the life of our province. Others are private citizens who are entitled by law to their good name and reputation.

## 1320

As a result of the allegations made, an extensive police investigation involving the Ontario Provincial Police and the Metropolitan Toronto Police is under way, and a commission of inquiry chaired by a judge has been appointed.

Under the Anglo-American system of justice, which is as old as Magna Carta and every bit as important, there can be no presumption of guilt without evidence. Reporters and politicians, whatever else they may be, are not judges or juries. Fairness and therefore basic human justice requires that we allow the police and the judicial inquiry to do their work and make their judgement.

The government regards it as a duty to see that the process of fairness to both those who make the allegations and those who resist them is achieved and to ensure that judgements are made not on the basis of allegations, but rather on the basis of facts proven in the way that our law for centuries has required, and we intend to see this done.

## RESPONSES

## PUBLIC INQUIRY

**Mr B. Rae:** This is the inquiry the Premier (Mr Peterson) wanted, but I want to make it clear that it is not the inquiry that we have asked for and that we ourselves want.

I wish Mr Justice Houlden well in his inquiry with respect to the activities of Mrs Starr and Tridel Corp, as well as in the terms of reference that have been described by the Attorney General (Mr Scott), "to inquire into and report upon any such circumstances or dealings where, in the opinion of the commissioner, there is sufficient evidence that a benefit, advantage or reward of any kind was conferred upon an elected or unelected public official...."

I want to make it clear that in our view and in my view, unless the commissioner has the responsibility and power to deal with the economic framework and development framework in which these activities have taken place, his inquiry will be unduly restricted and unduly limited.

I regret profoundly that the Premier and the Attorney General have decided to limit the terms of reference of this inquiry as it has been limited, because in my judgement we are not going to get the kind of airing of information—I am not referring here to allegations; I am referring to an understanding of how the structure of this society of ours operates and how it is possible that an essentially private system of power would have grown up so extensively as to influence municipal, provincial and federal levels of government.

What we are dealing with essentially is a question of the accountability of government, the capacity of a democracy to deal not only with the formalities of debate in the Legislature, but with the realities of economic power. That in my view is the central question in this debate and in this issue and it is not the issue Mr Justice Houlden has been asked to look into. As I say, this is the Premier's inquiry under the Premier's terms of reference and it is not the inquiry we ourselves wanted.

I have nothing to add to the comments the Attorney General made at the end of his remarks, except to say this: We have questions that we have a right to raise in this Legislature and that we will continue to raise, as difficult and tough as some of those questions are. When information and documentation are brought to our attention and when allegations about the conduct of public business that are extremely serious are brought to our attention, we will not be put off by the Attorney General, by lectures from the Premier or by anything else, in order to bring these facts out into the open and let this democratic House itself consider and debate questions of public policy.

That is our right as the opposition. No amount of lecturing by the Attorney General and by the

Premier is going to put us off our job and our task. We on this side respect the law profoundly. We respect the principles of our Anglo-American system of jurisprudence profoundly. We also respect the right of debate and the right to information.

I might point out that had it not been for a free press and for an effective opposition, these facts that have led to this inquiry never would have come to light. That is the fact of the matter. Members should not think for a moment that the Attorney General or the Premier himself would have brought these facts to light. It took a free press and an effective opposition to do that, and that is something of which I am proud. That is why we are here today.

**Mr Harris:** I, too, want to comment on the terms of reference of the inquiry, which are not the terms of reference my leader requested of the Attorney General at the very least, which my leader indicated in the meeting with him last week ought to be included in the terms of reference and in the scope. My leader indicated at that time, on 30 June, that this inquiry must be wide enough to restore public confidence in the government of Ontario. We believe the details announced today by the Attorney General are not wide enough to restore public confidence in the government.

I particularly say that because these are indeed the Premier's terms of reference, or the Attorney General's terms of reference in consultation with the Premier, to exclude those things that touch the Premier himself. I, my party and my leader have suggested that as these issues have been raised over the past four years—this is not something that is new. This is not something that ought to come as a surprise to the Premier or the Attorney General. The Premier's standards, his standards of ethical behaviour for members of his party, his cabinet and his caucus have been at issue ever since he has been Premier of this province.

I refer specifically to the fact that the terms of reference exclude a number of allegations that we believe ought to be put to rest, answered or explained to meet the objective of restoring public confidence in the government of Ontario.

Those allegations involve the Premier himself. They involve Heather Peterson, Jim Peterson, David Peterson and C. M. Peterson Co. They involve big, large, heavyweight, heavy-duty companies that have had special access to the Premier, as has been brought out in this House and in the media over the past month or so in



dealings, contracts and negotiations with this government.

Certainly, I do not think anybody can deny the allegations of special access to the Premier and to this government in the negotiation of contracts that some have suggested are worth billions of dollars when they are finally let. My leader indicated to the Attorney General that if he is going to restore public confidence, then at the very least these matters should be included under the scope of the investigation.

As well, with regard to the lecture from the Attorney General, I would suggest and agree with the Leader of the Opposition (Mr B. Rae) that over the past period of four years, time after time after time, the methods of fund-raising, the message that been has sent out by members of this cabinet and indeed by the Premier himself and the Premier's office has been questionable at best. That impression out there is not one that my party approves of, nor does the New Democratic Party approve as well.

1330

I would suggest to the Attorney General that I agree that had these matters not been brought forward by the opposition parties and by the media over a sustained and lengthy period of time, these matters would have continued to have been covered up and we would not have got anywhere close to the bottom and to the answers on what actually has been going on with this government. I suggest this as well to the Attorney General on the lecture: I ask him whether the Magna Carta and the principle of innocence until proven guilty applies to Mrs DelZotto.

These people are great on lecturing. They are great on their moral, high-horse standards when they are lecturing members of the opposition and when they are lecturing members of the media, but the Attorney General and the Premier are very selective as to how they apply whatever moral standards. Obviously, the people around them and even their cabinet ministers and parliamentary assistants have not been able to determine where the line is. We are disappointed with this announcement.

**The Speaker:** The member's time has expired.

**Mr Harris:** We think it is a whitewash and it will not do the job of restoring confidence in the government of the day.

**The Speaker:** Thank you.

## ORAL QUESTIONS

### ENVACC RESOURCES INC

**Mr B. Rae:** I have a question for the Premier. The Premier will know that J. M. Beatty, QC, is

a senior counsel to the law firm of Gardiner, Roberts and also one of the principal advisers to Envacc Resources, and that he has met with the Premier on a number of occasions. On 10 August 1988, Mr Beatty dictated a memorandum in which he discusses a meeting he held with Mr Muzzo, himself, Donald Matthews who is the Premier's father-in-law, Mr Matthews's son John Matthews, and an adviser named "Maklehaney."

This memorandum says, "We discussed our meeting with the Premier... Marco advised that he'd spoken to the Premier to tell him of the Matthews interest and asked the Premier if this would constitute a conflict of interest down the road."

I wonder if the Premier can tell us if this is in fact the case. Did the Premier discuss the possibility of Mr Matthews investing in the consortium?

**Hon Mr Peterson:** As the member knows, we had two meetings with some of that group and others and there was some conversation with them. I was asked the question if Matthews should be involved and obviously I cannot support anything that would bring any kind of a conflict of interest whatsoever, under any circumstances, and I conveyed that in response to a phone call.

**Mr B. Rae:** According to this memorandum: "The Premier said he would consider this and Marco advised that before making a deal with Matthews, we would clear with the Premier. This was a wise move by Marco and drew out of Matthews that he had spoken to the Premier before Marco did. The subsequent discussion confirmed that the Premier and Matthews had agreed to his involvement subject to Marco's call and that Matthews knew of the project through the Premier."

I wonder if the Premier can tell us precisely, what discussions did he have, not simply with the Envacc group but with his father-in-law, Mr Matthews, about this deal?

**Hon Mr Peterson:** I make a point of not discussing business with my father-in-law, who as my honourable friend knows is a developer. He is involved in a number of companies, as many other developers are, and obviously in my opinion it is highly inappropriate that I would discuss any business matters with him at any time.

My friend is also aware from the conflict-of-interest filings that my wife has a very minor part in some of those interests. Therefore, it is appropriate that I do not discuss these matters. I



would never encourage him or anyone else to be involved in any kind of a business situation.

I can tell the member that the question was put to me in a phone call and I said very clearly that I cannot support any kind of situation with any benefit, real or perceived, to any member of my family, direct or indirect. That is the answer to my friend's question. There was never any suggestion from me that Matthews should be part of that group.

**Mr B. Rae:** I wonder if the Premier can tell us, who did he have this telephone conversation with and when did he have it?

**Hon Mr Peterson:** The member probably has the date in front of him on his memo. I do not know exactly.

It was Marco Muzzo who phoned me and it would be some time after those meetings. As you know, there were various changes in various groups that were putting together bids on the entire matter, various different people involved. But, to the best of my knowledge, they are not involved at this time or were not at that time.

**Mr B. Rae:** I am interested that the Premier's information and knowledge of this is somewhat more detailed than when I first began asking these questions some seven months ago. It is quite a remarkable change of heart on the Premier's part.

The memo also states on page 3:

"Doug: You have told me before we do not know how big a catch we have. Marco confirmed to Matthews that there is more than enough for everybody, whereby we can negotiate on our terms each party's involvement. We now have in Marco and Laidlaw the two most powerful developers in Canada, who recognize that there is more money in burying garbage in land than building urban development on land."

That is precisely what I told the Premier back in January and February when we began raising these questions.

I wonder if the Premier can tell us specifically how many meetings and telephone conversations did he have with Mr Muzzo and precisely what was the date of each of one of these conversations?

**Hon Mr Peterson:** As you know, there were two meetings with the Envacc group. There were a lot of meetings with a lot of groups. There are roughly 12 groups that are interested in some way or other in putting forward a garbage proposal. I met with a group in London called the—I believe the Norwaste proposal has some ideas on the distribution of garbage. I met with the Envacc

group on two occasions. I would have to refresh my memory with respect to the specific dates.

There was one other phone call my honourable friend refers to. The meetings were in June 1988 and 12 January 1989, apparently, according to my notes. I also met with Norwaste 12 September. There was a list of meetings, very, very long, with 12 different groups who are interested in waste disposal from some point of view or other.

I should remind my honourable friend again that this is not a decision that the provincial government is going to make. As you know, this is one that is in the hands of the regional chairmen. I am sure you have seen the proposal from the five regional chairmen in the greater Toronto area. This is a plan that will be subject to an environmental assessment and with a great deal of transparency.

So my honourable friend is trying to create the impression, time after time, that there is some special "in" here and that is not the case, because it is all there in front of the public and will be. There is no decision at this point, very frankly, to proceed or not, whether it would be a public or private matter. You have listened to the regional chairmen speak on this matter, they have various different points of view on those subjects. So that a determination has not been made and I repeat to my honourable friend that it is not the provincial government that will make the final decision, it is the regional chairmen and the regional council.

**Mr B. Rae:** Let me be very clear. We know from a series of memoranda, which have not come to us from the Premier of Ontario, how extensive the involvement of members of his government with Envacc Resources has been and we can document this. But he says it is all out in the open. If it is out in the open, it is because we have tried to put it out in the open, not because the Premier has told us anything.

When I asked the Premier back in January and February what he knew about the principals of Envacc he did not even tell us that he had met with them in June, that he had phone calls with Marco Muzzo and that he had met with him again in January. He did not even tell us that in back January and February. So do not talk to us about how open this process is. It is a process which he has tried to cover up and close up.

That is exactly what has happened, that is exactly what has happened.

**Hon Mr Scott:** Follow the rules.

**Mr B. Rae:** I would like to ask the Premier this question. Let me repeat again, "We now have in Marco and Laidlaw the two most powerful



developers in Canada, who recognize that there is more money in burying garbage in land than building urban development on land." The Premier must understand this. This is an extraordinarily lucrative contract to be giving to a private property developer.

**The Speaker:** Question?

**Mr B. Rae:** I would like to ask the Premier why has he consistently rejected the idea that this should clearly be done in the public sector and clearly be done for the public interest and not done for the private interest of anybody in the province?

1340

**Hon Mr Peterson:** The member is getting quite excited about coming upon with a memo from somebody which I have not seen. He has every right to share it in this House, their interpretation of a particular set of events. I have no problem with that, because there is nothing that happened in those meetings or any other meeting that we are not prepared to share.

We said at those meetings—the member should check his notes—that everything we do will be in public. It will have to involve all sectors. It will have to involve the environmentalists. It will have to involve the regions. It will have to involve all politicians. Whatever we do will be tendered. Ultimately, it is not our decision. No decision has been made yet, whether it be private sector, public sector or what the mix will be, as I assume my honourable friend knows.

I think it is unfair of him to stand in this House and present the matter as if a decision has been made by this government. That is clearly not the case. If and when a decision is made by the regions, it will all be there. It will all be transparent. He can look at it. He can put in his views. One of the intellectual leaders in this whole matter was Richard Gilbert, who understands the nature and extent of the landfill problem. We are assuming our responsibilities to assist the regions but recognize that it is their responsibility and they have to make the final decision.

My honourable friend would not want to characterize it any other way. No one, including the Norwaste group that I met with in London to discuss its ideas has any special inside track. I say to my honourable friend that, yes, I met with them. I meet with others. I meet with labour leaders, teachers, thousands of people from time to time on all sorts of issues, and I will continue to do so.

**Mr B. Rae:** The memorandum states very clearly Mr Muzzo's views with respect to the

lucrative nature of the contract. He was certainly aware of how lucrative this contract was.

I want to ask the Premier this question: At the time of his conversations with Mr Muzzo—the two meetings that were held, as well as the phone conversation that he had with Mr Muzzo in which Mr Muzzo explored the possibility of Mr Matthews being involved—can the Premier tell us, was he personally aware of the financial interest that Mr Muzzo had in the sale of the Premier's family company?

**Hon Mr Peterson:** The answer is no, because all of my shares were in a blind trust, as my honourable friend knows. I cannot tell him—I read it in the newspaper at some particular point along the way, but I am told by the people involved that his name never came up. He was never involved in the whole matter.

#### SALE OF PREMIER'S FAMILY BUSINESS

**Mr Runciman:** My question is to the Premier as well and deals with the sale of his family business, which I asked him about last week. I am sure he will recall. At that time, he suggested that it could be referred to the Conflict of Interest Commissioner. We are having some difficulty with that since the legislation was not in place at the time of the sale of his family business and he has now ruled out that transaction as part of the judicial inquiry. The Premier will be aware, I am sure, of the increasing concerns about that transaction and the involvement of Mr Muzzo. I am wondering if he is prepared to table the company's financial statements with the House.

**Hon Mr Peterson:** I have an idea. Why does the honourable member not refer the entire matter to the conflict commissioner? If, by chance, he is right that the legislation does not apply, I would gladly waive that and he can take all of his concerns to the conflict commissioner. He will have the power to look into all the records of the company and anything else that went on.

I would be delighted if the commissioner, on the member's request, would look into that and if the member would lay before the commissioner any allegations or charges he has. I think that is fair, and I think, as a man of integrity, he would want to do that.

**Mr Runciman:** I think the Premier may be overemphasizing his authority in respect to overriding legislation. I am not sure that is appropriate. We will certainly follow up on it.

Interjections.

**The Speaker:** Order.



**Mr Runciman:** A loan agreement dated 28 July 1987 was entered into between the Cambridge Acceptance Corp, a family company in which the Premier (Mr Peterson) has a one-third interest, and Consolidated HCI Holdings Corp, the large development company headed by Marco Muzzo. This agreement gave a \$3-million, 11 per cent interest-only loan for six months from the Muzzo company to the Peterson company. It is a matter of public record in the London land registry.

Can the Premier tell us when he first became aware of this loan and why the Peterson company would seek financing from Muzzo's company rather than a bank or trust company?

**Hon Mr Peterson:** I think my honourable friend's facts are wrong in this matter, but my honourable friend's facts are frequently wrong. I think he owes it to himself to make sure that he knows all the details. Frankly, I do not know all of the details of this particular matter, except what I have read in the paper, and, as I told my honourable friend, my shares are in a blind trust.

But I can tell my honourable friend this: I have absolutely no reservations whatsoever in letting him take this to the conflict commissioner. He should take him his allegations and suggestions and what he thinks is wrong, because I think that is only fair, rather than standing in the House, as he does, day after day after day, making unsubstantiated allegations. He should take charge of the matter; he should take it to the conflict commissioner; he should tell him what he thinks is wrong. I would be very happy to have anybody who had anything to do with that sale there to answer to him or anybody else.

**Mr Runciman:** Back to the loan: A loan of this size from a large land development company to the Premier's family totally destroys the essential appearance of an arm's-length relationship between the Premier and those with whom he must do government business.

Again, is the Premier prepared—

Interjections.

**The Speaker:** Order.

**Mr Runciman:** —to table full details of this loan transaction in the Legislature, and is he prepared to direct his trustee to support only loans from banks and trust companies in the future?

**Hon Mr Peterson:** The member says there was a loan. That is not any information that I have on the particular matter. It was a sale; it was not a loan. But my honourable friend stands again and makes unsubstantiated allegations. He

owes it, as a gentleman and a man of honour, to take his charges to the conflict commissioner.

I think he should do that because, to the best of my knowledge, my honourable friend's information may not be correct in this matter. But if he is concerned about its transparency, he should take it there and look at all of the details. I think my honourable friend will find out that, once again, he has descended to a level that maybe he is comfortable at but most members in this House are not comfortable at.

#### PUBLIC INQUIRY

**Mr Harris:** I have a question for the Premier, who is quick to accuse the media, the Leader of the Opposition (Mr B Rae) and the member for Leeds-Grenville (Mr Runciman) of making what he says are false allegations.

Interjections.

**The Speaker:** Order.

**Hon Mr Scott:** The media can't take it to the commissioner; you can.

**Mr Harris:** The Premier has indicated—and if the Attorney General (Mr Scott) would like to listen to my question instead of interrupting the proceedings, I would be happy to continue—that he wants people to take these allegations to the commissioner. The Premier knows full well that what we are talking about here is confidence in the government. He also knows full well that all of the facts are not out. He also knows full well that nobody is making any accusations. We are saying that in the media—

**Hon Mr Scott:** Turn around and look at Runciman. You just haven't got the guts to do it. You can do it in one letter but then you'd have to shut up if you were proved wrong: a terrible price to pay.

Interjections.

**The Speaker:** Order. Does the member have a question?

**Mr Harris:** Control the Attorney General, sir.

**Hon Mr Scott:** The poor Attorney General can hardly stand this. Just write a letter.

**The Speaker:** Order. Would the member place his question?

**Mr Harris:** The Premier keeps making these challenges—and I do not think the issue is a challenge—to make an allegation. We are not here to make allegations; we are here—

**Hon Mr Scott:** This is unbelievable. You're out-Runcimaning Bob.

Interjections.



**The Speaker:** New question?

**Mr Harris:** No, Mr Speaker, if you cannot control the Attorney General so I can ask my question, that is not my fault.

1350

**The Speaker:** Order. I think we should pause for a moment and remember that this is question period. Would you place your question?

**Mr Harris:** I will attempt it once again, if the Attorney General can control himself. I would like to ask the Premier this: Nobody is making allegations, we are after the facts. In order to take something to the commissioner, as the Premier knows very well, one must know all the facts to be able to make an allegation. The way to get at the facts—

Interjections.

**The Speaker:** Order. Could we discontinue the debate and the interjections and have the question, please?

**Mr Harris:** Thank you very much, Mr Speaker.

The way to get at the facts is to bring all of the information that is being questioned in the media by a number of people into the judicial inquiry. That is what the judicial inquiry is for. It is to get at the facts. Why—

**The Speaker:** Thank you. Fine. Finally there is a question.

**Hon Mr Peterson:** My honourable friend does not know whether it is based on facts or allegations or what he is dealing with at this particular point, which is understandable. He says he does not know the facts but he is prepared to make allegations, but let me not get into that.

Let me say, look at all the facts. His friend from Ottawa has made an allegation under the Members' Conflict of Interest Act against the Attorney General. It went there for a determination.

The member supported that act. So did we. That is what the commissioner is there for, and believe me, I have nothing to hide from my honourable friend and his allegations, be they ill-founded or not.

Why does the member not request that the Conflict of Interest Commissioner look at this? The member can take anything he knows or his interpretation of the facts and the circumstances and let it all be there. I am most comfortable with that and I think he should do that.

**Mr Harris:** Can the Premier answer this: He has said today and he has said in response to these questions before that he has nothing to hide, he

would like all the facts out there. We have said the same thing. We think that to restore the confidence of government in general, and more specifically this government led by David Peterson, the facts must out. Why, then, will he not include in the terms of reference of the inquiry these facts being made public and coming to light?

**Hon Mr Peterson:** Allegations have been made and the judicial inquiry is dealing with that set of allegations. The member stands in this House and says he is not making allegations but he does not know the facts. On the other hand, he says he wants to know the facts. He is not sure what he is saying.

I say to my friend, let me help him out. Why does he not ask the commissioner to determine the facts? Then he can make any allegations he wants based on those facts. Would he not think that is the fair thing to do in the circumstances, when he was the first one to stand in the House and say he is not making allegations and he does not know the facts? The conclusion is that he does not know what he is doing except that he is just trying to bring some allegations against the government that are ill-founded.

**Mr Harris:** Can the Premier explain this: When it comes to allegations about Patti Starr, Tridel, all his cabinet ministers and all his parliamentary assistants, those are okay to be referred to the commissioner to get at all the facts. Can the Premier explain to me why when it comes to David Peterson that is not okay? Why is the Premier not prepared to treat himself the same way he is treating all of the other people who are involved in these scandals?

**Hon Mr Peterson:** I am. I say to my honourable friend—I have just said to him and he has resisted the idea, but I said to him and his colleague—take it to the conflict commissioner and get all of the facts. He is not sure if he has the facts, he is not sure if there are any allegations, he is not sure of what he is sure of today, but that is all right. I do not mind, because to the extent that I know the facts, I am prepared to let them all be there, and if I have made any mistakes, publicly or privately, I am prepared to pay the price and I am prepared to stand up and defend this government against allegations he has, whether ill-founded or not.

Let me tell my honourable friend, I have no secrets in this matter. They can all be there. The government has no secrets and we look forward to turning up all of the facts surrounding the so-called Patti Starr allegations. My colleagues will all testify and share any knowledge they



have. I hope the member's colleagues will testify and tell what knowledge they have of this matter and it will all be turned up for the public of this province to see. I think that is the appropriate approach in the circumstances.

#### SALE OF PREMIER'S FAMILY BUSINESS

**Mr B. Rae:** In his last answer to me, after I asked the Premier specifically whether he was aware of Mr Muzzo's involvement in the purchase of his family business at the time of his meeting in June 1988, the Premier replied that he did not know that.

I wonder if the Premier would reflect. The sale of the family business took place in 1987. The law with respect to conflict of interest was changed. There were no more blind trusts because the Premier dissolved all the blind trusts. He had to file his conflict statement through the summer of 1988. I wonder if the Premier can tell us this: At some stage, he must have asked the question, "Who bought the company?" It is a company in which he had an interest—

**The Speaker:** And the question.

**Mr B. Rae:** —for many years; it was his father's business. When did he realize that Mr Muzzo's company, Consolidated HCI Holdings, had a very extensive involvement with the effective purchase of the company by Avinda Video?

**Hon Mr Peterson:** As I told my honourable friend, I was not involved in any way in the sale of the business. I have asked those people who were involved in the sale of the business, "Have you ever heard of the name of Marco Muzzo as having some kind of an interest in this purchaser?" Nobody had ever heard his name at that point. He was not anywhere near the situation, did not negotiate the deal and no one was aware until afterwards that he had any involvement. To this point in time, frankly, I am still not aware of what his involvement was.

That is the very clear answer to my friend's question: he was not there or visible, or any part of the purchase that any purchaser knew anything about or any vendor knew anything about.

**Mr B. Rae:** Let me be very clear then. What the Premier is telling me now is that despite the fact of Mr Muzzo's involvement with Mr Goldfarb and other individuals and companies involved, not only in the purchase by Avinda Video but also in the sale and leaseback arrangement, most of which is now part of the public record, he is saying that no member of his family, no one whom he spoke to was ever aware in any way, shape or form that Mr Muzzo was a

principal in HCI and that he was very much involved in facilitating the purchase of this company. Is that what he is saying?

**Hon Mr Peterson:** The answer is absolutely, clearly yes, that he was not, to the best of my knowledge or anyone else that I have spoken to, involved in that sale, that he was even a principal or had any interest in it.

#### PATRICIA STARR

**Mr Harris:** Since the Attorney General wants to get into the debate, I would like to ask him a question. Yesterday my office spoke to the public trustee. He indicated to my office that today he would have a news release, releasing a document showing all the "inappropriate disbursements made by Patti Starr and the National Council of Jewish Women of Canada." He was going to do this by way of a news conference and be available to answer questions this afternoon.

This morning we are told that the public trustee has changed his mind; he will not be having a press conference and he will not be releasing all the pertinent information. In fact, he will have a one-and-a-half-page statement. Most of the information he is not releasing. I would like ask the Attorney General, first, is the public trustee independent and acting independently on this or did the Attorney General intervene and ask him not to release that information?

**Hon Mr Scott:** The honourable member is really stooping very low, very low indeed. I want to tell him that I have not spoken to the public trustee or anybody in his office. I requested the same information as the honourable member requested today and I was told I would not get it.

The public trustee is an independent agency of government under its own statute, rather like the Ombudsman. For my honourable friend—and I use that phrase because decorum requires it—to assert, without the slightest evidence, with no evidence whatever, that I tried to twist that office is simply unforgivable. I may be defeated in the next election or I may be re-elected, but I did not come here to be abused by the likes of that.

1400

**Hon Mr Riddell:** Get out of the gutter.

**The Speaker:** Order.

**Mr Harris:** Given the amount of coverup that has been going on over the last four years, given how long it has taken the Premier (Mr Peterson), the Attorney General, the Deputy Premier (Mr R. F. Nixon) and others to act on a number of issues that have come forward over the period of the last four years, and given the fact that, through a



substantial number of questions over days and days and substantial media coverage, we have had to get anybody to look into everything, surely the Attorney General would understand why I would ask the question, "What happened?"

If he was not involved himself, will he find out if his department was involved or will he find out what happened to the public trustee that made him change his mind between yesterday and today?

**Hon Mr Scott:** Until the honourable member withdraws the allegation he has made against me, I refuse to answer his question.

#### SECURITY IN PREMISES USED BY PUBLIC

**Mr Daigeler:** Somewhat along the same lines as we just heard about the unfounded allegations from the Conservative Party, we also have the case where the member for Carleton (Mr Sterling), the official critic of the Attorney General, to whom I would like to place a question, has tried to turn business people across the province for some time against the Attorney General's Trespass to Property Act.

I would like to ask the Attorney General, in view of the inflammatory rhetoric put forward by the member for Carleton, whether he could put the public at ease and outline in this House the parameters and purpose of this bill?

**Hon Mr Scott:** As the member knows, the bill was the result of a commission study done about access to property to which the public is invited. The conclusion of the study, incorporated in the bill, is that a person who is excluded from property to which the public is ordinarily invited, such as a mall, should be given a reason for the exclusion. The giving of the reason and the notice of objection does not prevent the exclusion; it simply provides an issue that may be tested. Every civil libertarian believes this was a fair result.

Some concerns were raised by mall owners about certain language used in the legislation. Their concern, in short, was that they would not be able to exclude people against whom a legitimate notice had been given if an objection was raised. I met with them on a number of occasions, as did my staff, and we clarified the legislation so that I believe all responsible mall owners in the province who are familiar with the changes now support the legislation. The ones who do not support it more often than not are people who do not understand it and who have been misled by the kinds of assertions to which the member refers.

**Mr Daigeler:** As the minister may know, in their recent recommendations the Ontario Chamber of Commerce states that the police department and school authorities must retain the right to disperse any individuals who may be perceived to pose a threat to the children's wellbeing in schools and playgrounds. Can the Attorney General address this concern which the Ontario chamber sees as a possible implication of Bill 149?

**Hon Mr Scott:** That is an allegation I had not heard until the member raised it. But I want to make it perfectly clear that anybody who is saying that the trespass-to-property provisions apply to schools or playgrounds simply has not read the statute. I want to assure the member that the application of the act does not include schools and playgrounds.

#### RETAIL STORE HOURS

**Mr Philip:** I have a question to the Attorney General. The minister will be aware that one of the rationalizations used by his two ministry officials in support of Bill 113, the Sunday shopping legislation, was the claim that it would make enforcement easier, fairer and more effective.

The minister will also acknowledge that he has received information in February, March, April and May from Les Kingdon, the executive director of the People for Sunday Association of Canada, alleging that enforcement of Sunday shopping legislation is less now than before Bill 113 and that corporate offenders, repeated offenders, are being fined as little as \$75.

Can the minister tell us what action he is taking to ensure that the present legislation is enforced and why he is not using his powers of injunction to stop repeat offenders from continuing to flout the law?

**Hon Mr Scott:** As the honourable member knows, the enforcement of this legislation is done either on private complaint or, much more often, on police investigation in the various municipalities. The municipalities, except in those areas where the Ontario Provincial Police have municipal policing responsibilities, are controlled by Metro or other municipal police boards and difficult choices have to be made about the level of enforcement in any municipality.

We have done what we can to encourage and assist local police forces to do this work and I want to assure the honourable member that crown attorneys have been directed to prosecute with diligence.



**Mr D. S. Cooke:** Do you think \$75 is appropriate?

**Hon Mr Scott:** I am well aware that not all the fines that have been levied achieve the level of fine that Mr Kingdon regards as appropriate. In those cases where the fine is judged by the crown attorney to be inadequate in all the circumstances of the case, an appeal would be launched.

**Mr Philip:** I might remind the minister that it was the opposition that moved for minimum fines and the Liberal government that defeated those minimum fines.

Mr Kingdon claims that the police are not laying charges on their own initiative, that companies are publicly advertising how they intend to break the law and are breaking the law and that the police are not certain how to interpret and enforce the present act. What directives has the Attorney General given to the OPP, what initiatives has he sent to the local police force to ensure that a statute of this Legislature, by his ministry, is being enforced in this province?

**Hon Mr Scott:** I must tell the honourable member I will be glad to look into it, but the information I have does not support the first and third conclusion that he asked us to draw, apparently on the basis of Mr Kingdon's letter.

First of all, we are satisfied that the police are enforcing the law as regularly as they did before and consistent with their resources.

**Mr Hampton:** That's the problem.

**Hon Mr Scott:** No, there was a very high level of enforcement before, which of course was one of the reasons there was such concern expressed in the House at Christmas and other times of the year. There is no evidence that we have that supports that first conclusion.

The second conclusion about what plans retailers have drawn to breach the law, the ministry of course does not do anything about and I find it quite unlikely that Mr Kingdon would, as he is a minister, not a retailer, so I can say nothing about that.

**Mr Philip:** So it's okay, you can advertise that you're going to break the law.

**Hon Mr Scott:** No. When those advertisements are brought to the attention of the police or come to the attention of the police as they read the papers, a case can be prepared and brought to the crown attorney.

I would think that if Mr Kingdon wants to make a real contribution here, what he should do is liaise with his municipal police department to bring to its attention cases that it might have overlooked.

## SALE OF PREMIER'S FAMILY BUSINESS

**Mr Eves:** I have a question of the Attorney General. In the Legislature this afternoon, both the Premier and the Attorney General have said in response to questions from the member for Leeds-Grenville (Mr Runciman) and the member for Nipissing (Mr Harris) that the answer to the interest of the Peterson family in the sale of that business should be referred to the Conflict of Interest Commissioner.

Does the Attorney General not appreciate that this is not a question about conflict of interest or technical conflict of interest under the Members' Conflict of Interest Act?

**Hon Mr Scott:** I would have said that if it is a question at all, it is clearly a question that relates to a conflict of interest, and the act, by the way, is clearly applicable to it regardless of when the sale occurred.

1410

**Mr Eves:** The Premier and the government have already referred many matters that are being looked into by the Conflict of Interest Commissioner to this judicial inquiry. Does the Attorney General not agree, can he not see that there is no question whatsoever out there in the public's mind, through the media or otherwise, that the appropriate and the proper thing to do would be to refer this to the judicial inquiry as well? Why is there one standard for the Minister of Culture and Communications (Ms Oddie Munro) and another standard for the Premier?

**Hon Mr Scott:** I do not agree with that.

I would like to refer the honourable member to the fact that when the member for Carleton (Mr Sterling) wanted to allege a conflict against me, as he did, he had very little information but he wanted to raise the matter, so he wrote a letter to the Conflict of Interest Commissioner, which was the proper, appropriate and, by the way, honourable thing to do.

The trouble as far as the honourable member was concerned was that the Conflict of Interest Commissioner promptly investigated it and said, "There is no conflict here at all." The problem with that was the honourable member for Carleton could not get up in the House day after day and repeat the bald allegation until the press left the gallery.

That is why we suggest that if the member for Leeds-Grenville (Mr Runciman) or the member for Nipissing has an allegation about this kind of conflict, why do they not do what the member for Carleton had the good sense and the honour to do: use the machinery to determine whether there is a



conflict? That is a rhetorical question. The reason they do not do it is that they know if the answer is "There is no conflict here," then, horror of horrors, they will all have to shut up.

#### ONTARIO NEW HOME WARRANTY PROGRAM

**Mr D. R. Cooke:** My question is to the Minister of Consumer and Commercial Relations. Recently, Peter and Gloria Somer of Kitchener were presented with the 500,000th Ontario New Home Warranty Program certificate.

The Ontario New Home Warranty Program could do with some significant enhancements to its protection package. I am wondering if the minister could confirm whether any changes have taken place, and if so, what they will mean to new home buyers.

**Hon Mr Wrye:** I thank the honourable member for notice of the question to allow me to get the specifics. There have been two recent changes which I think are very important for those who are involved with new homes and the warranty program.

The first of these two enhancements is that the total value of coverage for the life of the warranty, which includes coverage for all major structural aspects, has been increased from \$50,000 to \$100,000.

The second enhancement is a real boon to consumers, and that is, the amount of the fee charged to builders, which is automatically passed on to consumers, has been reduced, cut in half, from \$2 per \$1,000 of home purchase to \$1. Since this is passed on, it will be a saving to consumers. On a home worth \$200,000, that is a saving of about \$200.

I know we may be taking certain actions shortly, so I will—

**Mr D. R. Cooke:** As the minister is aware, the warranty program currently covers new home owners for 12 months on defects of workmanship and material, provided that the flaws are reported in time. It has been suggested that the program should increase the one-year coverage on new homes to two years. Warranties for longer than one-year periods are available on other major purchases such as automobiles, and surely they should be considered on new homes.

Can the minister inform the House if the increased extension is in fact under review and what he can do to encourage the extension of time?

**Hon Mr Wrye:** I can confirm that there have been a number of discussions by the board of directors of the new home warranty board.

The member should know that the act that brought the Ontario New Home Warranty Program into existence includes a plan and a program that is essentially self-regulating and a board which has a great deal of independence. It is an independent, nonprofit organization.

However, I have been encouraging and continue to encourage, and do so today, the board of directors to consider favourably such an extension from one year to two, as I think that given the availability of resources that the home warranty board has, this matter is something whose time has come. Such an extension would be appropriate and certainly would be welcomed by the consumers of this province.

**The Deputy Speaker:** Pursuant to the order of the House of Wednesday 5 July 1989, I am required to interrupt the proceedings at this time and do now leave the chair until 3:30 pm.

The House recessed at 1415.

1530

#### FIREFIGHTING

**Mr Hampton:** In the absence of the Minister of Natural Resources (Mr Kerrio), I would like to place this question with the Deputy Premier.

I might say, by way of preamble, that we are somewhat upset because the Minister of Natural Resources knew we wanted to ask this question, he knows it is an important question, and he merely said: "I'm sorry, I don't have time. Ask it next week."

Earlier this year, the Ministry of Natural Resources cut the number of forest firefighting crews by 230 people and reduced the crews from five-person to three-person crews. When the government adopted this policy, the forest firefighters indicated that they thought it was unsafe and it would not be an effective way to fight fires. We also raised the issue that it would be ineffective and was potentially unsafe.

Now it is hot and dry in northwestern and north-central Ontario and fire crews are refusing to go to work under the Occupational Health and Safety Act. What is the government going to do about it?

**Hon R. F. Nixon:** I will bring the member's concern to the attention of my colleague the Minister of Natural Resources.

**Mr Wildman:** I am afraid that is not acceptable. This is a dry weekend. There are fires burning out of control now. We cannot wait until Monday to have this settled. Men have refused to work under the Occupational Health and Safety



Act. Fires are burning and they are not being fought.

What is the government going to do? In the interim, will the government agree to have two three-man crews on duty in all firefighting situations over the weekend until this dispute can be resolved?

**Hon R. F. Nixon:** I am not in a position to make any such agreement. I simply say that the government and the people, in my opinion, have the greatest confidence in the minister, who has not only shown his commitment to the safety of the working people and the preservation of the forests but has provided the kind of leadership for natural resources that has been wanting in this province for many years. We are very proud of him.

Interjections.

**The Speaker:** Order.

**Mr Harris:** I realize it is an unusual day. I wonder if the Attorney General (Mr Scott), the acting Solicitor General (Mr Scott), or the Minister of the Environment (Mr Bradley) is planning to come back. If so, I would like to stand down our next question.

#### HERITAGE CONSERVATION

**Mr Dietsch:** My question is to the Minister of Culture and Communications. Recently, she received a letter from the Niagara-on-the-Lake local architectural conservation advisory committee concerning a resolution it passed regarding the matter of uniform signs for heritage conservation districts designated under part V of the Ontario Heritage Act, and uniform signs or plaques for structures and buildings designated throughout this province.

Could the minister please inform me as to what steps, if any, she will be taking towards the development of uniform signs which will identify heritage districts and structures throughout this province?

**Hon Ms Oddie Munro:** I would like to acknowledge the member has some very real commitment to heritage questions, and as my colleague would know, the local advisory conservation associations have a good deal of responsibility in designating buildings and making recommendations to municipalities. Unfortunately, under the Ontario Heritage Act it is the responsibility of the municipalities to provide for such plaques and they do so. I think it is fair to say that most municipalities also have a commitment to heritage.

On his question as to whether the province could provide some kind of unique signage for structures and buildings, I am certainly more than willing to take the suggestion of the Niagara-on-the-Lake LACAC. As the member would know, we are currently in the middle of a heritage review, which will have an impact on legislation in this province and would certainly also be more than willing to honour the member's concerns.

**Mr Dietsch:** My riding of St Catharines-Brock has without a doubt been among the leaders in this province in preserving heritage for our future and it is my belief that uniform signs need provincial guidance, so that whether you are in St Catharines or in Niagara-on-the-Lake or whether you are in Perth or Elora, designated buildings and districts are readily identifiable among those who enjoy that type of heritage. Will the minister assist in giving either a provincial competition or some guidance to the question of uniform signs throughout this province?

**Hon Ms Oddie Munro:** I certainly take the member's suggestion seriously and I think it is an excellent idea. As he knows, our ministry does provide plaques on request from municipalities and we do have unique provincial pins, so I certainly am more than willing to look into the suggestion and take it back to the legislative review.

#### PATRICIA STARR

**Mr B. Rae:** The public trustee has just made public his report with respect to the financial affairs of the National Council of Jewish Women's Toronto section charitable foundation and the National Council of Jewish Women, Toronto section.

**The Speaker:** The question is to whom?

**Mr B. Rae:** In the absence of the Premier (Mr Peterson), I guess my question has to go to his worthy and long-trusted Deputy Premier. The public trustee's report shows that while some money has been repaid which is judged to be for work of a noncharitable kind, the cheque dated 26 October 1987 which is described as a "housing survey (leadership training)" in the amount of \$5,000 to the mother of the Minister of Culture and Communications (Ms Oddie Munro) is a required repayment of \$5,000 and is still outstanding as of 30 June 1989. I wonder if the Deputy Premier can tell us what is the position of the government now with respect to these payments.



**Hon R. F. Nixon:** I would think that any payments made illegally would be restored.

**Mr B. Rae:** Perhaps the Deputy Premier could tell us, if this was a genuine housing survey, why it would be required to be repaid.

**Hon R. F. Nixon:** I said any payments that were made illegally would be restored. Surely if this a payment made for a genuine housing survey, there might be some question as to whether it was made illegally.

#### CONTAMINATED SOIL

**Mrs Marland:** My question is to the Deputy Premier. When the Liberal government took office in 1985, it promised to immediately remove the radioactive soil on McClure Crescent in Scarborough and compensate the home owners. Instead, it listened to its high-priced lawyers and dragged these people through the courts, at great expense and delay to them.

The Ontario Supreme Court finally ruled in favour of the residents, but the Attorney General (Mr Scott) has now had the audacity to appeal this decision. By launching this appeal, the Liberal government has outright refused to live up to its promise of four years ago.

My question to the Deputy Premier is this: What are the exact reasons for appealing this case and exactly why will the government not live up to its promise to remove the soil and compensate the home owners?

1540

**Hon R. F. Nixon:** The government has, of course, complete confidence in the advice of the chief law officer of the crown. His examination of the findings of the court led him to recommend that the appeal be entered into. I would suggest to the honourable member that it is on a basis of the legal questions concerned and that the decisions of the courts would be for all to see and have their valid reports.

**Mrs Marland:** To quote one of the Deputy Premier's colleagues: "It is clear the provincial government demonstrated negligence by knowingly constructing homes on radioactive contaminated soils and selling homes to unsuspecting residents." That was the Liberal leader at the time, now the Premier (Mr Peterson), commenting on the McClure Crescent situation in 1983.

The Premier thought the home owners should be compensated, and the Supreme Court of Ontario verified that. The court proceedings do not start until next week, and there is still time to reconsider.

**The Speaker:** The question?

**Mrs Marland:** My question is this: Will the Deputy Premier end this ridiculous charade and abandon this appeal today?

**Hon R. F. Nixon:** The answer is no, but I should say that during the time when the quotes the honourable member was placing before the House were made, the defence of the then government was that the level of radioactivity did not warrant the removal of the soil. Her colleagues, some of whom are still sitting with her in the caucus, however small, were very clear that the removal of the soil was totally unnecessary and that no one's life or health was at risk.

The situation is now before the courts and is being appealed to the courts. I think that while that, from my unlearned point of view, might be a process that is one I have commented on myself in the past, still that is the way it has gone and we will await the decision of the courts with a great deal of interest.

**The Speaker:** New question, the member for Scarborough-Ellesmere.

**Mr Faubert:** My question is for the Minister of Education.

**Mr Harris:** On a point of order, Mr Speaker: We stood down a question awaiting the arrival of the Attorney General. It appears he is not here. I wonder if we could proceed to the Deputy Premier with that question.

**The Speaker:** I understood you were awaiting the Minister of the Environment (Mr Bradley) or the Attorney General.

**Mr Harris:** Well about seven eighths of the cabinet is not here. I would like to proceed to the Deputy Premier.

**The Speaker:** I would ask the members of the House if they are in agreement to go forward with a question from the member for London North.

Agreed to.

#### RETAIL STORE HOURS

**Mrs Cunningham:** In the absence of the acting Solicitor General, my question will be to the Deputy Premier. The topic is Sunday shopping. During the hearings across this province last summer, the government spokesperson stated a number of times that the new, proposed legislation provides a province-wide law that requires most retailers to close on Sundays. The government went further to say at every opportunity that it makes the requirement to close on Sunday stricter, fairer and more enforceable than the old law.



It was pointed out to us that the real tool was the power of injunction. We know that the law is being broken and that many stores are opening on Sundays illegally. It has been brought to the attention of many members of this House. I wonder if the Deputy Premier could tell us whether the acting Solicitor General has in fact exercised his option.

**Hon R. F. Nixon:** I cannot tell the honourable member that he has.

**Mrs Cunningham:** I can only say that when we contacted the minister's office, the spokesperson for his office stated that the ministry will watch what the municipalities will do. Others have been given the same response to the question. We are very much concerned in this province that the real promise out there was that we would have a stricter, more enforceable law. We went along with that promise. The point is that the people of Ontario—

**Hon R. F. Nixon:** You remember how co-operative we were?

**Mrs Cunningham:** Mr Speaker, I would like to clarify my statement.

**Hon R. F. Nixon:** You passed it on the way.

**The Speaker:** Actually, the point is this is question period, so perhaps you will place your question.

**Mrs Cunningham:** The fact is the public of Ontario expected that they would get what the government promised, and that was a more enforceable law. How much longer will we have to wait before the acting Solicitor General in fact does wave that tool called injunction and do what he said he would do last summer?

**Hon R. F. Nixon:** I think the member is aware that there are many alternatives to the citizens who feel themselves inappropriately dealt with. They can bring complaints themselves and the police can make investigations. But in this connection, I feel that the law is serving the community in a very good way indeed.

I happen to be fortunate enough to live in a rural community which has opted for Sunday shopping. I can tell the member—and I know of her intense interest in this—that this is working very well indeed and that those people who do not prefer to involve themselves in that have every right to do otherwise. But, meanwhile, the community is extremely well served.

The honourable member should not think that somehow the morality of the province is collapsing and that the laws are not being enforced. She knows that is not the case.

## HERITAGE LANGUAGES

**Mr Faubert:** My question is to the Minister of Education. Residents in my riding of Scarborough-Ellesmere have expressed to me their concern and disappointment at having missed the deadline to request a heritage languages program to be implemented beginning at the end of September 1989.

The minister may be aware that the Scarborough Board of Education has apparently refused to approve or consider any applications under the heritage languages bill until it receives royal assent; thus, even those groups that submitted their application prior to the 30 June deadline may well be denied a fall heritage language program.

Could the minister advise this House what actions he may be considering to ensure that heritage languages classes will be able to begin in the fall?

**Hon Mr Ward:** The member will know that Bill 5 was recently sent out to committee. During the course of the deliberations, some suggestions were put forward on the basis of input from various community groups. It is expected that legislation will receive royal assent very early next week.

Those groups that have met the deadline in a manner that is consistent with the regulations that accompany that bill, I would expect, can be assured that the programs will be delivered in a way that is consistent with the statutes and regulations.

**Mr Faubert:** Many groups of parents will obviously be relieved by the minister's response, but some residents are still concerned that the board of education may not implement their heritage language requests this fall, despite the change in deadline to the end of July.

Could the minister assure the residents by advising the House that the board will be required to offer heritage language classes this fall, provided the request is received prior to the end of July 1989?

**Hon Mr Ward:** I can advise the member that I would expect that board of education, as well as every other board within the province, would act in a fashion that is consistent with the statutes and regulations and that they can be assured of those programs.

## VISITOR

**The Speaker:** I might draw to the attention of the members that we have a guest in the lower



east gallery, a member of Parliament, Jesse Flis. I believe they are on holidays right now.

## MEMBERS' STATEMENTS

### LABOUR DISPUTE

**Mr Philip:** Six months ago, the free trade deal went into effect, but already its effects are being heavily felt. A good example is the situation in my riding with the workers who are members of Local 10 of the Graphic Communications International Union. Their employer is Photo Engravers and Electrotypers and they print the Sears catalogue.

As early as October 1988, according to the union, Local 10 members were told they must take pay cuts and make other contract concessions because the average pressroom costs in the United States were 30 per cent lower than in Canada. In December 1988, the GCIU contract expired just as the free trade deal was being signed. Sears and PE and E tabled a take-it-or-leave-it contract and moved to a lockout on 20 February, when workers voted to reject the offer.

The PE and E pressroom workers are still strong 20 weeks into this lockout. However, the situation is so serious that the Ontario Federation of Labour is organizing a boycott of Sears by encouraging Sears customers to return their credit cards with a note giving the reasons for such action and to call Sears in Toronto to explain why they are boycotting their stores. A rally to demonstrate support is being organized in front of the Mutual-Dundas location of Sears on Saturday 8 July.

The Liberal government must live up to its responsibilities to the workers of Ontario and ensure that there are programs in place to protect them. Support must be shown for the GCIU local in its struggle to stop the erosion of jobs and the rights of workers to the United States.

1550

### TAX FREEDOM DAY

**Mr Harris:** On the eve of tax freedom day here in Ontario, we should pause to reflect on the fact that not only has this Liberal government violated the most basic standards of ethical conduct but has also, through its tax policies, breached one of the fundamental laws of physics. Liberal taxes are heavy but are apparently immune to gravity. They go up and up and up and they never come down.

Liberal taxes are so high that the average Ontario family spends until 7 July working for the government, the longest of any province in

this country. No wonder the civil service has become so bloated under this administration.

There has, however, been nothing civil about this government's treatment of the Ontario taxpayer as it continues to bite the hand that feeds it. I am confident that some day the Ontario taxpayer will bite back and will let this government know that its tax policies are fundamentally unfair and its spending practices undisciplined and nonsensical.

In the interim, I suspect the only protection for the taxpayer from this government, this organized conspiracy against financial responsibility, lies in the government's justifiable fear of electoral retribution and not in any sense of fiscal prudence on the part of the members opposite.

Were it not for this, I am positive that the Liberal tax juggernaut would continue to roll merrily along and would ensure, if not stopped by the electorate at the first opportunity, that we would be celebrating tax freedom day and Labour Day on behalf of those people who generate all the money at the very same time.

### RAIL SERVICES

**Mr Neumann:** I rise today on a matter of national importance, the future of passenger rail service in this country. This service has a long and proud history in Canada, from the early days of nation-building right to the present. Today's media reports of drastic cuts in the short run and of the eventual total elimination of Via Rail has made this a very sad day indeed.

The Mulroney government is about to make the most shortsighted and wrongheaded policy decision in recent memory. Coast-to-coast rail service helped to knit this great country together. Trans-Canada and intercommunity rail and transit systems are essential to well-balanced transportation plans for the future.

Considering that the Prime Minister made absolutely no mention of any plans to scrap Via Rail during the federal election campaign of last fall, the federal government should be obligated to hold full public hearings before proceeding with such a far-reaching decision that would shortchange our future.

I call upon the federal government to shelve this decision and convene full public hearings so that Canadian citizens can be heard on this important matter. Our highways, particularly in southwestern Ontario and the greater Toronto area, are heavily congested and air travel is not the answer for everyone.

According to today's report, 55 per cent of the trains will be cut from southwestern Ontario rail



service within the next few months. I ask the Premier (Mr Peterson), this government and all of my colleagues in the Legislature to make strong and persuasive representation to the federal government to reverse its unwise decision on Via Rail.

As it says on this button I received at the train station this morning, "On a besoin de nos trains. We need our trains."

#### NORTHERN LIGHTS FESTIVAL BOREAL

**Miss Martel:** I would like to bring to the attention of this House an important event that is occurring in Sudbury this weekend. On 7, 8 and 9 July, the 18th annual Northern Lights Festival Boreal will take place at the Bell Park amphitheatre.

The festival began in 1971 as a one-day event to feature local musical artists from the Sudbury area. Over the years, the festival became more and more popular until it eventually expanded into a three-day event. Local musical artists continue to be featured, but the festival also now hosts artists from across northern Ontario, and indeed across Canada.

While maintaining a bilingual structure, the festival also promotes native culture as well as the many multicultural groups that are so intrinsic to the Sudbury area.

The Northern Lights Festival Boreal has the distinction of being the longest continuous outdoor folk festival running in Canada.

This year's festival will not lack for an abundance of talent and spirit. Moreover, northern Ontario artists will play a key role at the festival. Some of the performers from the north include Rodney Brown, Wayne Potts, Sue Roy, Butch Bouchard, Paul Dunn, the rock group Mokombo; the rap duo of Andy Stevenson and Nick Duncan; Sudbury residents Phyllis Davison and Andrew Lowe; the Sault Ste Marie Youth Theatre; and Sudbury's own Caledonian Dance Club.

My congratulations to all those who will work so hard to make this weekend a success. To all Sudbury residents and visitors, have a great time at the Northern Lights Festival Boreal.

#### SKILLS TRAINING

**Mrs Cunningham:** I read with a certain amount of amusement a letter to the editor which appeared in the 28 June edition of the Toronto Star written by the Minister of Skills Development (Mr Curling). The minister attempted to defend a \$100,000 study entitled Pathways which was recently released by his ministry.

As it turns out, Pathways is nothing more than a rehash of a study entitled Out-of-School Youth in Ontario, released by the Ministry of Skills Development in March 1987, well over two years ago. If one can believe it, the minister still does not know how to help our young people adjust to the world of work.

I quote from his letter. The minister states: "Do I have all the answers to the challenges posed by this information? Obviously, the answer is no;..." What is the minister's battle plan? His letter goes on to say: "May I suggest that the Star, which has taken a leadership role on a number of important issues, identify training as a priority item."

One simple question remains: What does the minister plan to do with all that extra time on his hands when the Toronto Star takes over the work of his ministry?

#### CLARENCE ASH

**Mrs Fawcett:** I am extremely pleased to have the opportunity today to recognize the accomplishments of a long-time resident of Cobourg, Clarence Ash. Last year, Mr Ash was named Senior Citizen of the Year in the town of Cobourg. Did this model citizen rest on his laurels? Not on your life. If anything, he stepped up his service to his fellow man, and as a consequence, has been named not only Senior Citizen of the Year again but Citizen of the Year for Cobourg and District as well.

The reasons why Mr Ash is deserving of these two awards are numerous. He has given a large number of fellow seniors the treasured gift of mobility. He has driven seniors to out-of-town medical appointments, delivered Meals on Wheels and generally helped seniors get around to local events.

This generous man has put in many hours of volunteer work as well and has served in various capacities on the seniors' board of directors. Mr Ash helped found the Cobourg and District Association for the Mentally Retarded, established community care for seniors and just generally demonstrated his willingness to help where help is most needed.

Clarence Ash has made the quality of life much more enjoyable for the many citizens of Cobourg he has touched. In his letter of nomination of Clarence Ash, Reg Ward writes: "He has been a shining example of fellowship and good citizenship for all." The people in the Cobourg area are fortunate to have such a committed humanitarian devoted to his community. I am sure all members will join me in



recognizing the efforts and achievements of Clarence Ash.

### GOVERNMENT'S RECORD

**Mr McLean:** It was interesting to listen to the member for Brantford (Mr Neumann) talking about the federal government. He forgets about his own government which had specific plans to lower insurance and for 60 per cent funding for schools and talked about the six conditions; there would be no free trade agreement unless they were met. There is the increased debt we have in Ontario—\$4,159 for every man, woman and child—the \$1.3-billion tax grab for two years in a row, increased gasoline tax and increased income tax. His government has increased taxes as no other government has ever done before. Why does the member not talk about that?

### PETITIONS

#### TEACHERS' SUPERANNUATION

**Mr Fleet:** I have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario signed by 36 individuals who all appear to be teachers associated with William Lyon Mackenzie Collegiate Institute in North York. The petition indicates a desire to insist that the Treasurer (Mr R. F. Nixon) enter into negotiations with the Ontario Teachers' Federation which will lead to a settlement equitable to teachers in respect of their pensions.

I have signed the petition as required under the standing orders.

**Mr Miller:** I, too, have a petition addressed to the Honourable Lieutenant Governor and the Legislative Assembly of Ontario:

"Whereas the government of Ontario in its discussions with the Ontario Teachers' Federation on amendments to the Teachers' Superannuation Act has refused to allow an equal partnership between teachers and government in management of the pension fund, establishment of an acceptable contribution increase, benefit adjustments, equitable treatment of future surpluses and a satisfactory dispute resolution process,

"We, the undersigned, petition the Legislative Assembly to insist that the Treasurer of Ontario negotiate with the Ontario Teachers' Federation towards an equitable settlement."

It is signed by 118 names from the riding of Norfolk and I attach my name as required.

1600

#### SECURITY IN PREMISES USED BY PUBLIC

**Mr Dietsch:** I have a petition to present on behalf of the Minister of Natural Resources (Mr

Kerrio) from the Niagara Falls Downtown Board of Management. It reads:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"We request that the Ministry of the Attorney General withdraw Bill 149, An Act to amend the Trespass to Property Act, which we believe is unnecessary and without mandate.

"While we respect the rights of minorities and youth, whom Bill 149 alleges to protect, we oppose the way in which the proposed legislation will erode the ability of owners and occupiers to provide a safe and hospitable environment for their patrons or customers. We are further concerned about the legislation's potential for increasing confrontation in the already difficult process of removing individuals who create disturbances on publicly used premises."

I have signed this petition in accordance with the standing orders.

### ANIMALS FOR RESEARCH

**Mr Carrothers:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario. It is signed by some 1,350 individuals. It requests legislation prohibiting the use of animals in cosmetic and product testing.

### REPORTS BY COMMITTEES

#### STANDING COMMITTEE ON FINANCE AND ECONOMIC AFFAIRS

Mr D. R. Cooke from the standing committee on finance and economic affairs presented the following report and moved its adoption:

Your committee begs to report the following bill without amendment:

Bill 18, An Act to amend the Ontario Municipal Improvement Corporation Act.

Motion agreed to.

Bill ordered for third reading.

#### STANDING COMMITTEE ON PUBLIC ACCOUNTS

Mr Philip from the standing committee on public accounts presented the committee's First Interim Report, 1989, and moved the adoption of its recommendations.

**Mr Philip:** I want to thank the members of the committee for the way in which they worked so diligently, as well as the research staff and the clerk of the committee. This report deals with problems concerning tax collection, motor fuels



and tobacco tax branch, Ministry of Revenue. It also deals with inadequate monitoring procedures, general welfare assistance program. The report makes a number of recommendations that we trust the appropriate ministries will be implementing.

On motion by Mr Philip, the debate was adjourned.

## MOTION

### STANDING COMMITTEE ON PUBLIC ACCOUNTS

Mr Conway moved that the chairman, clerk and research officer of the standing committee on public accounts be authorized to attend the Canadian Council of Public Accounts Committees conference in Edmonton, Alberta.

Motion agreed to.

## INTRODUCTION OF BILL

### LEGAL PROFESSION STATUTE LAW AMENDMENT ACT, 1989

Mr Scott moved first reading of Bill 45, An Act to amend the Law Society Act and the Solicitors Act.

**Hon Mr Scott:** This bill makes a number of relatively minor amendments. The first is a series of amendments requested by the Law Society of Upper Canada respecting quorums, voting rights of retired attorneys general, a matter which is very close to my heart, and the role of ex officio benchers in the affairs of the society.

It also incorporates a provision for costs that may be obtained by salaried in-house counsel of corporations or trade unions, who under an order made by the court in a recent case, if salaried, cannot collect the costs to which their clients would be entitled if successful in litigation, a result that does not seem appropriate in the circumstances.

The third amendment, perhaps more contentious, though not for the Leader of the Opposition (Mr B. Rae) nor for me, is to incorporate the recommendations of the Professional Organizations Committee, which recommended that law firms should be entitled to incorporate, as they do in most other Canadian provinces and as engineers, architects and other professional groups do in Ontario now.

I want to emphasize to honourable members that we have followed the model in the other provinces and the model recommended by the Professional Organizations Committee so that the liability of solicitors in Ontario will not be

reduced and so that shares cannot be made available to the hoi polloi outside the profession.

## ORDERS OF THE DAY

House in committee of the whole.

### ASSESSMENT AMENDMENT ACT, 1989 (continued)

Consideration of Bill 37, An Act to amend the Assessment Act.

**The Chairman:** Everybody is invited to make comments and questions and continue what we started yesterday. Do I see the member for Algoma finishing a fine drink of Château Toronto to make some comments?

**Mr Wildman:** No, I was just drinking, but it did not have anything to do with the distillers.

**The Chairman:** Fair enough.

**Mr Morin-Strom:** The minister yesterday had endeavoured to get some information that was requested with respect to tax assessments and in particular the breakdown, for the 14 municipalities involved, of the tax losses they would be facing as a result of this legislation. I wonder if the minister has collected that information and will now make it available to the committee of the whole.

**Hon Mr Grandmaitre:** Yes, I do have the information. For the township of Thurlow, 2.51 per cent; for the city of Toronto, 0.01 per cent of one per cent; the city of Scarborough, no loss, 0.00001 per cent; Etobicoke, 0.21 per cent; Brampton, 0.12 per cent; the city of Burlington, 0.09 per cent; Mississauga, no loss, 0.00001 per cent; the town of Collingwood, 2.27 per cent; the city of Hamilton, no loss; Waterloo, 0.33 per cent; the township of Woolwich, 1.24 per cent; the city of Windsor, 0.40 per cent; the township of Maidstone, 10.63 per cent; and the town of Amherstburg, 5.38 per cent. These are the 14 municipalities affected.

1610

**Mr Morin-Strom:** I think our point is made, particularly with respect to the four communities that are more severely affected. The community of Thurlow faces a loss of 2.51 per cent of its assessment base; Collingwood, 2.27 per cent of its assessment base; then at a scale higher than that, Amherstburg, more than 5 per cent of its assessment base, 5.38 per cent; and then obviously the most seriously impacted would be the municipality of Maidstone, with 10.63 per cent of its assessment base lost.

Surely this is going to have a severe impact on the property taxpayers of those communities,



who will have to make up the losses of those property tax revenues if services are going to be maintained in those communities. That is a tremendous penalty for other businesses and particularly for home owners in those communities to have to make up.

Surely it is unfortunate that this government has refused to compensate for the loss of that property tax base, providing only a partial compensation in the initial year and then no compensation at all after five years, so that, as in the case of Maidstone, five years down the road property taxpayers are going to be looking at increases of an additional 10.63 per cent if they are going to make up those lost revenues and maintain the services those communities have been delivering in the past.

**Hon Mr Grandmaitre:** The member for Sault Ste Marie claims there will be great losses to the four municipalities, and I agree. This is why we have introduced a compensation program for the four most affected municipalities, which are:

For the township of Thurlow, grants to the lower tier of \$7,000, and to the school board \$35,000, for a total of \$43,000; so there is a shortfall of \$15,000.

For the township of Collingwood, grants to the lower tier of \$79,000, to the school boards \$75,000, for a total grant of \$155,000; for a shortfall of \$25,000.

For Maidstone, grants to the lower tier of \$58,000, to the school board \$283,000, for a total of \$341,000; for a shortfall of \$96,000.

For Amherstburg, a grant of \$63,000 to the lower tier, \$86,000 to the school board, for a total of \$150,000; for a shortfall of \$28,238.

**Mr Charlton:** The minister has stood up a number of times during the course of this discussion on subclause 7(1)(a)(i) in section 1 of the bill, and he keeps repeating the grants the province will pay to these municipalities and the shortfalls. Each time he repeats those figures he fails to make it clear to the House that those figures are interim figures that run out, that the grants do not go on for ever and that five years down the road the four municipalities my colleague was just referring to each will suffer on a permanent, eternal basis the losses that have been set out by the minister today; two of them at over two per cent, one over five per cent and one over 10 per cent of their assessment base.

Those losses are permanent losses that at the end of the five years those municipalities will bear totally on their own without any grant assistance from this province. It is not appropriate to try to say that he has remedied the problem

by putting in place grants that apply this year, next year, three further years down the road and then disappear. It does not address the question at all.

**Hon Mr Grandmaitre:** The member is right in saying they will suffer a permanent loss, but I would like to remind the honourable member that the Ministry of Municipal Affairs does have programs to compensate municipalities.

They have a policy, and I used it when I was Minister of Municipal Affairs, that whenever a municipality or a township loses more than, let's say, four per cent, these municipalities can apply to the Minister of Municipal Affairs to receive additional grants. I have done it in the past, and I am sure the present Minister of Municipal Affairs (Mr Eakins) will do it if they still lose, after four years or five years, more than four per cent.

**Mr Charlton:** I guess that is the point we have been trying to raise for the last two days, that these losses are not abnormal losses occurring for some unknown reason in these municipalities for which they may apply to the Minister of Municipal Affairs for compassionate additional consideration. These are losses resulting directly from legislative action by this government. Why is the government not prepared, in legislation, to guarantee them protection should those losses continue in the long run?

**Hon Mr Grandmaitre:** We do say in section 2 that, "the Minister of Municipal Affairs may make grants, upon such terms and conditions as the minister considers necessary." That is in section 2. That section is there and they can apply to the Minister of Municipal Affairs to get fair compensation.

I would like to point out to the honourable member that the distillers have been suffering in the last four or five years. Let's face it. If they were to close down, imagine what would happen to the townships of Thurlow, Maidstone and Amherstburg. If they were to shut down permanently, think about the damage this would do. We are trying to help these people stay in business and continue to create jobs in those small communities.

**Mr Charlton:** The minister has still not directly addressed the point I raised. First, this action on the part of the government, this change in the Assessment Act, is not going to save any distillery in this province that is on the verge of closing.

Second, it is high time governments in this province started to take direct responsibility for the actions they cause. The four municipalities we referred to in the initial part of this question



and the other 10 municipalities affected by this legislative change should be guaranteed that they will suffer no loss as a result of actions by this provincial government in negotiations with distilleries.

**Hon Mr Grandmaitre:** The member says the distillers will not move out of Thurlow or Amherstburg. I would like to remind the honourable member that this move has already started. Right in the city of Toronto, McGuinness Distillers has closed down, and in the city of Windsor, Hiram Walker is seriously considering closing down or possibly shrinking its operation.

To be fair, we would like to keep every small, medium and large industry in business in Ontario.

**Mr D. S. Cooke:** If the minister were going to be fair, he would indicate that if there are problems with the profit levels of distillers in this province, it has a lot to do with the prices that have been charged because of a whole rate of taxation at the federal and provincial level, because of a shift in demand away from distilled products to coolers, wine and beer; there is a whole bunch of other factors that have been part of the change in consumer demand in this field. So to try to talk about Bill 37 in terms of saving jobs or making sure that distillers do not close down in Ontario is a bit of an exaggeration of the role of this bill.

1620

If the minister were serious about saving jobs in this field for distillers, he would be encouraging the Treasurer (Mr R. F. Nixon) to review the whole taxation regime, at both the provincial and federal levels, for distilled products in Ontario and maybe to see whether the government has gone overboard in the level of taxation on these types of products. That might be the appropriate positive response from the minister, rather than saying that Bill 37 and the municipal taxpayers are going to solve the problem. If the minister were really concerned, he would not be imposing a solution which results in residential taxpayers paying through their property taxes for a small decrease in the level of taxation of distillers.

However, I appreciate the fact that the minister has provided us with some figures today.

I found it interesting this morning, at a meeting I attended with the Minister of Municipal Affairs and the finance department head and the mayor of the city of Windsor on another subject—Before we started our meeting I asked Mr Agnew exactly what the dollar figure was for the implications for the city of Windsor. The \$263,000 the minister referred to yesterday, as I suspected, does not at

all indicate the tax loss for the city. The fact of the matter is that we are talking in the neighbourhood of \$870,000 in lost business taxes to the city of Windsor as a result of going from 140 per cent to 75 per cent, which is exactly the figure I used the other day when I was speaking. It is a huge amount of money.

The minister gave the figure of \$263,000 yesterday; that is not the figure. The city of Windsor's figure itself, the municipal figure, is over \$800,000, nearly \$900,000.

However, we understand the inequity. The minister finally provided us with some figures today, and I think we can probably move on.

**Hon Mr Grandmaitre:** If there are any discrepancies with the city of Windsor, I am sure the ministry will be only too pleased to go over the figures. I want to repeat that, at the lower tier, the member is absolutely right. In 1989, their loss will be \$263,000, and in 1990, when it reaches the 75 per cent business rate, their loss will be \$164,000, or let's call it \$165,000.

That is far from being \$850,000 or \$800,000. I am sure my ministry will be only too pleased to do as I used to do when I was at the Ministry of Municipal Affairs. We have never turned down the city of Windsor. They used to come knocking on our door at least three times a year. I have always met with them and I have always had cordial meetings with them, and I am sure the Ministry of Revenue is willing to repeat this invitation and this offer.

If the member for Windsor-Riverside took my interpretation of Bill 37 as the lifesaver of Windsor or Thurlow or whatever, that is not my impression. He is absolutely right; with tax increases from the municipal, provincial and federal governments and in every other tax, most business people are affected by these tax increases. This is why we are introducing Bill 37, to at least try to do something for the distillers.

As I pointed out yesterday, a committee made up of the assistant deputy minister of Revenue, the administrator for the city of Sudbury and the assistant deputy minister of Municipal Affairs is now looking at a new business taxation system for this province.

**The Chairman:** Any more comments or questions? Are we ready to vote?

Shall sections 1 to 6, inclusive, stand as part of the bill?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.



Sections 1 to 6, inclusive, agreed to.

Bill ordered to be reported.

**RETAIL SALES TAX  
AMENDMENT ACT, 1989  
(continued)**

Consideration of Bill 22, An Act to amend the Retail Sales Tax Act.

Section 4:

**The Chairman:** If I remember where we left off, we were at the minister's amendment to section 4. Mr Grandmaître has moved that subsection 2c(4) of the act, as set out in section 4 of the bill, be struck out and the following substituted therefor:

"(4) For the purposes of this section, the highway fuel consumption rating of a passenger car shall be deemed to be the lesser of,

"(a) the highway fuel consumption rating most recently published by the Department of Transport (Canada) of cars matching the description of the passenger car, if such a publication is available publicly at the date of sale of the passenger car; or

"(b) 18.1 litres per 100 kilometres."

Would the minister like to provide a brief explanation at the beginning?

**Hon Mr Grandmaître:** Yes. I think now section 4 is much clearer. We will be using the Department of Transport ratings or the 18.1 litres per kilometres, whichever is less. It is really not an administrative amendment, but it makes section 4 better understood.

**Mr Harris:** I have a small problem here. I also have a new amendment to section 4 which I would like to move. I believe that in my absence and in the absence of the member for Cochrane South (Mr Pope) there were two amendments we wished to move that were ruled out of order. One was to section 3 and the other to section 4. If I may, I would like to move the one to section 4. If you rule that it is in order, Mr Chairman, I have a similar amendment to 3, for which I assume I would need consent to revert.

**The Chairman:** I think we should finish with this one first, whether it passes or whatever, and then we will gladly deal with yours afterwards. Is that okay with you?

**Mr Harris:** Sure. Heck, I'm easy.

**The Chairman:** Do we have copies of what you want to propose?

**Mr Harris:** I do have one and I will be glad to give it to you.

**The Chairman:** Do the minister and the other critic have copies of that also?

**Mr Harris:** No.

**The Chairman:** Do we have other members with comments or questions on the minister's amendment?

**1630**

**Mr Charlton:** Without having the bill in front of me, but just having heard it read, I did not follow just how it is supposed to work. Perhaps I could get a clearer explanation of exactly what the change does, as compared to the section that is before us in the bill that is being amended.

**The Chairman:** Minister, do you or your staff have extra copies to provide to the critics? Is the member for Nipissing (Mr Harris) the critic for this?

**Hon Mr Grandmaître:** Strike out clause 2c(4)(a), "The highway fuel consumption rating of the car provided by the manufacturer thereof, if such rating is available to the vendor and purchaser of the car at the date of sale of the car."

**The Chairman:** Minister, you moved an amendment to section 4. What you have moved still stands exactly as is. You have just mentioned what you want to remove from the current bill, right?

**Hon Mr Grandmaître:** Again, to clarify the amendment, clause 2c(4)(a) in the present bill, which I have just read, is being replaced by, as mentioned, the rating of the federal Department of Transport. That is what it says. In clause (b) we add "18.1 litres per 100 kilometres."

**The Chairman:** Do you understand now? Fair enough.

Are there any more questions or comments on the proposed amendment to section 4? If not, are we ready to vote on it? Is it agreed to vote?

Is it the pleasure of the committee that the motion carry?

Motion agreed to.

**The Chairman:** We will wait for pages to come back with the proposed amendments.

Did I hear you correctly? Are these new types of amendments that you are proposing?

**Mr Harris:** Actually, they are very similar amendments to the one that was ruled out of order. While I was not here, I respect the chairman's ruling.

I think we have been able to reword both the amendment to this section and the one to section 3 that I think you will find in order. I am quite certain that the amendments will meet the intent of the budget of the Treasurer. I would think the Minister of Revenue (Mr Grandmaître) would



want to do that, as well, in this particular piece of legislation.

I expect the page will be back shortly and I would like to move it if I can. If sections 1 to 4 are in order and acceptable to the government, then at that point I would ask if I might move a similar amendment to section 3.

**The Chairman:** As soon as we get it, we will gladly have a look at it. If it is deemed to be receivable with respect to the standing orders, we will be glad to do it.

**Mr Charlton:** Just a question for my information, since I am attempting to pick this process up at the point at which the member for Beaches-Woodbine (Ms Bryden) left it last week. Have we completed consideration of sections 1, 2 and 3 of the bill?

**Mr Harris:** Yes.

**Mr Charlton:** But the member is asking to reopen section 3 for an amendment?

**Mr Harris:** Before I ask to go back to section 3 and reopen it, I am prepared to move my amendment to section 4, which I think we are on now. My amendment to section 3 is a very similar amendment. If the one to section 4 is in order, then I would ask unanimous consent that I might go back to section 3.

**The Chairman:** I have been told that sections 1, 2 and 3 were carried as amended; at least section 3. If anybody wants to revert back to section 3, we will have to have unanimous consent.

**Mr Harris:** I know we are moving along so quickly and I am sure everybody is going to be so delighted with the amendment to section 4 that they are going to be begging me to ask unanimous consent to go back to section 3.

While the amendments are being passed out, maybe I could go ahead and move the—

**The Chairman:** If the member wants to wait till we have it, then we can do it together. It is always better to do it together.

**Mr Harris:** Until you have it, Mr Chairman? All right.

**The Chairman:** Before the member can move section 3, I have to ask for unanimous consent to revert back to section 3.

**Mr Harris:** I do not mind doing section 4 first. It is where we are at.

**The Chairman:** Section 4 first? Fair enough.

**Hon Mr Grandmaitre:** Can I ask if the amendment to section 4 is in order?

**Mr Harris:** I have not moved it yet.

**The Chairman:** Mr Harris has not moved it yet, for one thing.

Mr Harris moves that section 4 of the bill be amended by adding thereto the following:

“2c(1)(a) That all taxes collected pursuant to subsection 1 may be paid into a special recycling fund to be established in the Ministry of the Environment to be available for appropriation to support and finance recycling programs.”

Looking at standing order 15, which is usually the one, I will read it:

“Any bill, resolution, motion or address, the passage of which would impose a tax or specifically direct the allocation of public funds, shall not be passed by the House unless recommended by a message from the Lieutenant Governor.”

**Mr Charlton:** Mr Chairman, before you make a ruling on this question of whether these amendments are in order, could I perhaps make a few comments on that issue to you for your consideration?

**The Chairman:** I think right now we have to discuss whether it is acceptable to the chair to be able to discuss it.

**Mr Charlton:** I do not want to discuss the motion. I want to discuss the question of whether it is in order.

**The Chairman:** This point?

**Mr Charlton:** That is right.

**The Chairman:** Based on standing order 15?

**Mr Charlton:** Whether the motion directs the allocation of any funds. The motion sets no tax. The tax is set by the bill. It was announced by the Treasurer (Mr R. F. Nixon) in his budget, which was published and released publicly, what the intended direction and allocation of those funds would be. So, the motion that is before this House this afternoon neither raises funds nor allocates them. It simply puts in place a mechanism to accomplish what the stated government intention was, or its message from a government minister.

1640

**The Chairman:** When I look at it, obviously standing order 15 says “shall.” I notice that your resolution says “may,” which colours it a very different colour. I would have a tendency to rule it in order because of the “may” as opposed to the “shall.”

**Mr Harris:** Thank you very much, Mr Chairman. Perhaps I could then speak to the motion.



First of all, I was disappointed when my colleague the member for Mississauga South (Mrs Marland) moved her original motion, that it was not picked up by the Minister of Revenue. The original motion certainly did not say that any new money would be collected or spent. It simply said that this new money, this new tax that is being brought about by this bill, would be spent for the purpose for which the Treasurer said he was bringing it in.

In the case of the tires and the so-called gas-guzzler tax that this amendment deals with, those were for environmental purposes. It was some sense of trying to tie the reason for this tax to environmental concerns that the disposal of tires had and of course, in this case, that the extra consumption that gas-guzzler vehicles have.

We were disappointed that the minister did not wish to move that amendment, as it would have been in order had the minister moved it. However, I appreciate the opportunity to speak to this particular amendment, which I am sure parliamentarians are aware is a very soft or very weak amendment.

What this amendment will do, if it is carried, is simply permit the government, if it decides to live up to its intent that the Treasurer said, to do so. It does not direct the government to do so. It does not direct the minister to do so. If, in its wisdom and for some unknown reason, the government decides not to actually spend the money on the environment or the purposes which the Treasurer said the money would be spent for, of course, it then does not have to do it.

I would think the minister may like this amendment in that if, at some time down the road, he or his cabinet colleagues or the Treasurer decide to actually spend the money for environmental purposes, there will be a mechanism to do it. They will not have to do so, but it will be available to them should they wish.

I think it is a very forward amendment. I can tell the members that if the amendment to this particular section is acceptable, then this section of the bill will be acceptable to me and, I hope, to my caucus, even though we really are not particularly in favour of any tax increases at this time of our booming economy. We do believe that this attitude of "It's okay to increase taxes" does nothing but encourage the free-spending extravagance that is causing us great problems. It will cause us a whole host, a multitude, of problems in the future of this province.

In spite of that, I would say that if this amendment is acceptable, then this section of the bill at least would be acceptable to me. That

probably is not a good enough reason for the government to accept it. If it is not, I would ask the minister and the government House leader—who is in the chamber today consulting with the minister, and vice versa, which is an encouraging sign, because I sense there may be some movement towards the environment by the two ministers present today—if, in fact, getting me to vote for this section is not enough reason, and I suspect it is not, surely the environment and the possibility, now or in the future, of wanting to actually live up to what the Treasurer said the government was going to do ought to be enough reason to accept this very, very soft and permissive amendment.

**Mr Charlton:** I cannot say that I put myself into the same category as the member for Nipissing, although I am glad he came back in here today with these reworked amendments. As the member for Nipissing has said, the amendments are very weak, and they have been weakened from their prospective based on the chair's ruling last week, to try to make them acceptable or in order in terms of the debate here.

I cannot say that the passage of this amendment would cause us to support this section or section 3 of the bill, should it be reopened. However, I think we could support the amendments in both cases as additions to those sections, and the only reason I am saying we can support the amendments as additions to sections that we would not support ultimately is that we have had an announcement from the Treasurer that both of these taxes were being implemented for environmental purposes. There is nothing in the law anywhere that sets that out and nothing in this bill that even makes reference to the environment as the place to which these moneys morally should be allocated in future.

At least these weak amendments would put some moral obligation on people who read the legislation from time to time to try to ensure that the money goes to the place it was promised to at first in the announcement of the original tax. For those reasons I think we could support the amendments. Even though that would not make the tax itself any more acceptable to us, I guess it would give us some comfort to know that once the tax is in place, because of a moral set of words thrown at the reader of the bill each time it is read for the purposes of determining the tax, there is some small additional possibility that the tax in fact will end up where it is supposed to be, in environmental cleanup.

**Hon Mr Grandmaitre:** I think the member for Hamilton Mountain (Mr Charlton) and also



the member for Nipissing said it was a weak amendment. I certainly agree with them. The government of Ontario has a strong commitment towards cleaning up the environment and I can assure members that these dollars will be committed to cleaning up the environment, as we have done in the last four years. I think in the last four years the commitment of this government has shown repeatedly, budget after budget and program after program, programs that never existed in this province.

**Mr Harris:** The minister seems to use its weakness as his reason for opposing this amendment; I would be delighted in view of that. I actually am happy to hear that argument. The amendment of course is as strong as I, as an opposition member, am allowed to move. We attempted to move a stronger, more solid amendment that would allow the government to show its intent to spend these funds on the environment, and of course we were ruled out of order on a controversial ruling, but we are not challenging it. I thought the original amendment was very close to being in order as I do not think it actually directed expenditures; it just put the money into that fund.

1650

However, the minister has said it is weak; that is his reason for opposing it. I would welcome and encourage the minister to make this a very strong, sound, healthy amendment and direct that the money be spent on the environment.

My first proposal to the minister is to say I accept his challenge in that this is not strong enough for him and invite him to tighten it up and change "may" to "shall" in the wording. If he moves it, it will be in order. I, of course, will be delighted to accept that amendment. I feel quite confident that my colleague the member for Hamilton Mountain would be delighted to accept that amendment as well.

If the minister is not prepared to do that, though, I would say he ought not to pretend that the government's commitment to the environment is stronger than mine. Mine, while weak and permissive, at least makes some reference to it in the bill. Indeed, by voting against this amendment or by not strengthening it to make it a strong amendment, the government is saying this money will go into the general revenue fund, it will be allocated by the Treasurer as he sees fit from year to year and there is absolutely nothing that ties this tax back into the environment.

If the minister wants to say it is weak, I say a weak one is better than absolutely no commitment to make this new tax he is bringing in live

up to his commitment that the Treasurer has made. Dare I say that by not accepting this amendment, I think the minister is flying in the face of the Treasurer? He is saying to the Treasurer: "We don't care what you told people on budget day. We don't care what your press releases said. We're not going to make sure that money goes into the environment. Even though you are on the hook, Treasurer, speaking for this government, speaking in the budget speech, we don't care; you're on your own in this."

I really cannot accept the minister's saying he is not accepting it because it is weak when he knows doggone well the only reason it is weak is that it is as strong as an opposition party can move. I challenge the minister either to support this and give an opportunity not to leave his Treasurer out there on the hook with silly statements that do not mean anything or to amend this and make it stronger. We would be happy to support it.

**Mr Charlton:** On the same point, in response to the minister's comments, I wholeheartedly support the comments which the member for Nipissing has just made. Even if we had a strong amendment to this section, it would not cause me to support the section as a whole; but I would support a strong statement in the section that dealt with the placement of this money in a fund and allocated it specifically for environmental purposes.

The government cannot have it both ways. The minister cannot stand up in the House and say, "We have a strong commitment to the government," at the same time as the Premier (Mr Peterson) says, "We are going to have open government," and then be afraid to set up the accounting process, both for themselves and for the public, so the public can see that this tax, which the minister has said is for environmental purposes, is in fact going to environmental cleanup.

The fund would set up an accounting procedure that is clearly visible publicly to the opposition parties and to the government itself to assure everyone that the commitment in the Treasurer's budget was being lived up to with these new tax dollars from tires and gas guzzlers and that those dollars were going for the stated intended purpose.

If the minister cannot accept this amendment or move a stronger one himself, then I think the only option the Ontario public has is to assume that the government is talking environmental rhetoric here in the Legislature and that these taxes will go into the general revenue fund, likely



never to be clearly seen or identified again for any purpose other than government spending in general.

**Hon Mr Grandmaître:** I think I have enunciated the commitment of the government. I think we have proven it. I think our present minister responsible for the environment is known right across Canada for his commitment to clean up the environment and is well respected right across Canada.

We have devoted more moneys towards cleaning up the environment than any previous government. It is our intention to continue and to improve programs and to introduce new programs such as the municipal-industrial strategy for abatement and to improve the quality of municipal water and municipal sewers. We continue to improve these programs and bring on new ones.

I believe the announcement of the Treasurer when he says he will commit these dollars to improve the environment and I believe the government will follow through on this policy. I do not think the weak amendment is necessary.

**The Chairman:** Are there any more comments before we proceed with the vote?

Is it the pleasure of the committee that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negated.

**The Chairman:** Shall section 4, as amended, carry?

**Mr Harris:** Before we proceed, Mr Chairman, in view of the fact that you have ruled this amendment in order, I realize I would have to have unanimous consent to go back to section 3, and I would seek to see if that unanimous consent is available.

**The Chairman:** We will dispose of 4 first and then we will go back to 3.

**Mr Harris:** The reason I need to know is that I think I could slip this in under 4 if I had to, but I prefer to do it under section 3.

**The Chairman:** Fair enough. As I was saying, shall section 4, as amended, carry?

Section 4, as amended, agreed to.

**The Chairman:** Have we unanimous consent to revert back to section 3?

Agreed to.

Section 3:

**Mr Harris:** This amendment really does fit much more tidily under section 3. It may have taken me a fair bit of time to try to convince Mr Chairman that indeed it would have fit under 4.

**The Chairman:** Mr Harris moves that section 3 of the bill be amended by adding thereto the following:

"2b(1)(a) That all taxes collected pursuant to subsection (1) may be paid into a special recycling fund to be established in the Ministry of the Environment to be available for appropriation to support and finance recycling programs."

Would the member have an introductory statement?

**Mr Harris:** Yes. I will not spend a lengthy time debating this, but this amendment deals with the dreaded tire tax, one of the lowest forms of taxation I have seen in a long time.

I really believe that the Treasury and/or Revenue officials—I am not sure—must get together and say: "What can we possibly dream up to ding the Ontario taxpayer with again? We've hiked the sales tax to eight per cent."

We now have an income tax level that is approaching scary proportions in this country. When we look at the tax-freedom day statistics, we are now the highest-taxed jurisdiction in Canada. Of course, when we are dealing with the major competitor we are trying to be competitive with, we are far ahead of the United States in taxation levels.

Instead of continually trying to increase the other taxes, I think they have roundtable discussions where they probably get together for dinner and, in view of some of the things that come out of them—I am sure the odd libation, which, quite frankly, I am not opposed to—I believe those roundtable, think-tank types of sessions can be very productive.

1700

I guess it is the direction that is given to the very talented civil service and individuals we left to the Liberal government. It is the questions that are given to them; the challenge. The Treasurer and the Minister of Revenue obviously say to them, "Look, figure out some way to rip these people off for more money that we can get away with."

Indeed, if that is the direction they are given, they come up with these new ways. They say: "We can slap \$5.40 on every tire," because of course this tax is a tax-on-tax situation. The Treasurer will recall we got into tax on tax in the last budget on telephone bills.

He said: "Look. There's this federal tax on long distance that's out there and our tax isn't



being slapped on the federal tax; we're only taxing the phone calls. Could you guys figure out a way to juggle everything around so we can get tax on tax?" Of course, they plugged that so-called loophole last year. This year they have dreamed up this new one and, of course, made sure it went on the tire before the eight per cent sales tax.

This is well reflective of government policy on the national sales tax plan, where poor Michael Wilson is trying to figure out a way to have his new sales tax up front—

**Hon Mr Grandmaitre:** And you're going to support that?

**Mr Harris:** Whatever one might think of the tax, I do not want to be presumed to be defending it at this particular stage. But he is desperately looking for a way to have his tax up front. Of course, all it requires is the provincial government to say: "Sure, even though it's our jurisdiction, go ahead. Put it on the same place as our sales tax, at the end, and then we won't be tax on tax."

But this greedy Treasurer and Minister of Revenue are saying no to that, I suspect for two reasons: one, because they want their tax on tax; two, because for political reasons, I would suggest, they do not want to do anything to accommodate the federal Minister of Finance.

I am straying a tad, though. I do that only in the background and context of these think tanks where they dream up these taxes. After they dreamt up the fact that we could tax tires for \$5, I am sure that at that same roundtable discussion where the very inventive and obedient civil servants serving their masters came up with the idea, they also had the same advice to their political masters that: "Look, if you want to grab an extra \$5.40 a tire or \$21.60 for a set of tires, assuming you don't have to get an extra one for the spare, there's only one way you are going to be able to sell it. You must attach it to something that people feel strongly about. So Treasurer, if you're actually going to do this one," I am sure the same advisers came forward and said, "You'd better tie it to the environment. You know, it's a problem disposing of tires. You'd better tie it to the environment."

So the Treasurer accepted that advice and he tied it to the environment in his statement. The problem is that when the bill came along, of course, the Minister of Revenue either blatantly, contrary to what the Treasurer had said in his budget or to what the Treasurer would want, ignored that advice and refused to tie this tax to the environment.

There is only one of two possibilities. One is that the Minister of Revenue is doing this against his own Treasurer, which is unlikely but possible. So the only other conclusion one can draw is that the Treasurer is an accomplice in this, that he is willing to have this bill go forward not living up to his intent.

I say to the Minister of Revenue, here is an opportunity. If the Treasurer said, "Look, I know I said it's going to be for the environment, but gosh, don't hold me to it in case I change my mind and I want to spend it on something else," my amendment, like the other amendment to section 4, is permissive. All it says is that if at some time in the future there is a government over there—It does not look like it is going to be one led by this party, but things happen very quickly in politics, and as one who is very likely to be over there in 1991 or 1992, I am very cautious with the amendments I move to legislation, cognizant of the fact that should I be in government, I am going to have to live up to these amendments, so I try to be pretty responsible.

All this says is, "If at some time you want to live up to the Treasurer's intention, you may do it." It is a soft amendment like the other one. I call on the Liberal backbenchers to give support to the Treasurer. They should not let this Minister of Revenue carry on and not allow this money to go into the environment. They have to make a choice here. Are they going to support the Treasurer, or are they going to support the Minister of Revenue?

**Mr Pelissero:** Ben's in the House right now. Ben, Ben, Ben.

**Mr Harris:** Let the record show, for when the Treasurer comes back, they were all yelling: "Ben, Ben, Ben. To heck with the Treasurer."

**Mr Pelissero:** When Bob's back we'll go, "Bob, Bob."

**Mr Harris:** I have a note coming. I may get some good advice. It says I am late for my meeting, which the House will be happy to hear.

I really do think this permissive amendment ought to be acceptable to the minister. I say this to the backbenchers: If the minister made a secret deal with the Treasurer—"Don't worry Treasurer; I won't commit you to the environment"—they have an opportunity now to make the Minister of Revenue look good. He will have lived up to that secret deal, if there is one, with the Treasurer. Yet they can all do the right thing; I give them that opportunity as well. Everybody here gets off the hook except the Treasurer. After all, was it not the Treasurer who said the tax is for the



environment? We are giving him that opportunity to spend the money on the environment.

I have thought of every possible angle that might convince these rascals to support this amendment, and I think I have run out of ammunition. I hope that what I have said is enough.

**Mr Charlton:** I will not take very long in speaking to the amendment by the member for Nipissing, but I am so very glad we got unanimous consent to reopen section 3, because I was, unfortunately, stuck in the standing committee on resources development last week and I have some comments I would like to make on the section.

Section 3 is the section that deals specifically with the tax on tires. The Treasurer went to great lengths on a number of occasions here in the House, under questioning, and even in his original budget statement, to talk about the litter of tires around this province and the need to get specific funds to clean up the used, discarded tires in Ontario.

I support the amendment that has been moved by the member for Nipissing. This kind of amendment is the least offensive direction the government could possibly accept. As the member for Nipissing has said, for example, if they can clean up the tires for less money than they collect on new tires, it does not force them to leave all of this money allocated to tire cleanup. This amendment does not force the government to do anything other than remember from time to time the obligation it made at the outset that these funds were for environmental cleanup and specifically for the cleanup of used, discarded tires in the province.

It will not tie the hands of this government. It will not hamstring any future decisions about other useful purposes this money could be put to once all of the waste tires are cleaned up. I just urge the minister to stand behind the words he has said here in this House about this government's commitment to the environment and support the amendment.

1710

**Hon Mr Grandmaitre:** I would like to tell the member for Hamilton Mountain yes, we will keep the promise. We will continue to introduce new programs. We will continue to improve the environment.

I am sure the honourable member knows that at the present time we have identified close to 18 million discarded used tires in this province along our highways or stored in warehouses. They have been there for a number of years and

are very difficult to discard. We cannot dispose of these tires very easily and I think that every dollar received from this tire tax will be well spent. We will not only clean up the discarded tire problems in this province but also provide any other needed program to improve the environment.

We do not support the amendment brought in by the member for Nipissing.

**Mr D. S. Cooke:** I just would like to make a couple of comments. This, as I understand it, is—

**Mr Charlton:** No, we are dealing with an amendment right now.

**Mr D. S. Cooke:** Okay. I will wait until you go back to the main motion.

**The Deputy Chairman:** I will then put the question. Mr Harris has moved that section 3 of the bill be amended by adding thereto the following:

“2b(1)(a) That all taxes collected pursuant to subsection 1 may be paid into a special recycling fund to be established in the Ministry of the Environment to be available for appropriation to support and finance recycling programs.”

All those in favour of the amendments will please say “aye.”

All those opposed will please say “nay.”

In my opinion the nays have it.

Motion negatived.

**Mr D. S. Cooke:** Just very briefly—I guess I could have made these comments under the amendment—I would like to make a simple point to the minister. That is, last week I had a number of calls from down our way from people who are in the retail sector selling tires and the difficulty that they have—and I think this is a real one—is that they are now confronted in our area with the prospect that our local landfill has decided it will no longer accept tires; which I totally support because they take up too much room in the landfill. There is a very limited life to the future of that landfill and this will extend that life as we search for a new way of dealing with waste down in our region.

When they heard that the government was putting a \$5 tax on tires they thought: “Good. Well, here is a government program that will take the money that is collected, put that money back into the economy into a recycling program and that will solve some of our waste management problems and some problems for the consumers.”

Lo and behold what they find is that they are going to have to charge this \$5 tire tax and now, because there is no government program, they



are going to be charging an additional \$5 to \$8 per tire to deal with the disposal of it; so down our way the minister is going to get his \$5 per tire which is going to go into general revenue and the consumers are going to be hit with that \$5 plus another \$5 to \$8 per tire. If you are getting a set of four, that means you could be paying \$40 to \$60 more for your set of four tires because there is no way of disposing of those tires and because the minister has just simply put in a tax and he has put absolutely no program whatsoever to deal with the disposal of tires.

I think if this government were to be fair and totally honest with the taxpayers of this province what it would say is that it has simply introduced a new tax to raise money and it has absolutely no relationship at all to dealing with waste management in this province.

Again, what is going to happen here is that consumers are going to be hit with a regressive tax and we are not going to see the environmental cleanup that I think is important. If dealers do not charge an additional amount of money and if they do not have a way of disposing of the tires, then what one is going to see down our way is more and more tires appearing in ditches, farmers' fields and alleys.

So we are going to have the worst of both worlds, increased prices due to the government's tax, and landfills that will be forced to deal with it on their own by just banning things like tires. Then this waste is going to appear all over the community with no provincial strategy of how to deal with waste. What this bill has done is bring us the worst of both worlds.

Consumers and business are rightly outraged by this government's tax and the explanation that it is an environmental tax, when it has absolutely nothing to do with the environment at all. It has to do with another grab by this government and taxing ordinary people in a very regressive way.

**Mr Philip:** I simply want to express my concerns, as someone who represents a suburban riding. Many of my people do not have the option of using public transit, nor do they have the income to live in the more affluent areas of Etobicoke close to subway lines and so forth. Many of them work shiftwork; they work in Mississauga and Peel and a car is not a luxury, it is a necessity.

As the Ontario Automobile Association has pointed out, this is just one more tax on the middle-income earners. Those people who can afford to buy automobiles in the \$35,000-and-up bracket can afford to pay the extra tax on tires, but for the average person who needs a vehicle

for work—many of the people in my riding are skilled tradesmen who have their own trucks and must use those vehicles for their business—this is simply one more tax on small business, on middle-income earners and on the people who are living in areas that are not as easily accessible to public transit as the more affluent in Metropolitan Toronto, who the Treasurer thinks are the fat cats in this Ontario society.

We are not all fat cats in Metropolitan Toronto. A lot of people live in places like Rexdale, Mississauga and surrounding areas, they have to use their cars either to get to work or indeed as part of their work and the government simply is taxing them.

The other area to which the Treasurer seems to take great offence is where the city of Etobicoke has said that this budget as a whole is increasing property taxes. I can tell members that in the city of Etobicoke this is one more tax on the municipal taxpayer. The vehicles that we use, our school buses, our trucks and the various vehicles that we use to deliver simple, basic services to our residents are going to go up in price thanks to this.

There is not one stick of evidence that this money is going to be used for environmental protection. When amendments were moved to this bill that would at least guarantee and put in writing what the minister has said, and what the Treasurer said when he tried to rationalize this tax grab on the middle-income earners, they were rejected by the Liberals, which only shows what a lie it is to try to pretend that this is somehow an environmental bill rather than a tax grab.

Once again the government is socking it to the middle class and raising property taxes. The government should be ashamed of itself. It talks one line and does exactly the opposite.

**1720**

**Mr Charlton:** I have to go back to the minister's comments from earlier this afternoon about this government's strong commitment to the environment and take him to task on the comment.

I will start out by saying that he referred in his comments to the member for St Catharines (Mr Bradley), the current Minister of the Environment, and the reputation which that minister has developed out there. That part of his comment was essentially correct. The correctness of his comment ends there. The environmental community in Ontario respects the minister very much. At the same time, they are saying day in and day out, every day, that the poor minister has difficulty getting money out of this cabinet and



this Treasurer. That is the view in the environmental community in Ontario.

This tax on tires is not a tax that was recommended by the Minister of the Environment. The member for St Catharines did not go to the Treasurer and suggest this tax on tires because the member for St Catharines happens to be listening to the environmental community in Ontario, unlike the Treasurer. This tax has the clear earmark of the member for Brant-Haldimand. This tax has the earmark of the Treasurer. This is one that he dreamed up because he has seen some tires strewn down the side of his farm along the side road.

This has nothing to do with environmental cleanup in Ontario and perhaps I can just provide a couple of little lessons for the Minister of Revenue here this afternoon. First, there are clear and simple technologies available for the easy disposal of tires. It is a matter of somebody having the will to do it. It can be done very inexpensively and you can in fact make money in the process. It does not cost money. If this government had the courage and the foresight to set up an organization to recycle tires in this province, we could reduce for the minister's colleague sitting behind him, the Minister of Transportation (Mr Fulton), the costs of rebuilding roads in this province.

Tires, although there may be 18 million of them kicking around out there, are only a problem because we have neglected the problem, not because there is not a solution sitting out there waiting to be had at a very, very inexpensive price, a price that ultimately will make money for whoever proceeds to do it. Tires can be ground up and added to asphalt and put on to our roads. It is a proven technology that has been used in any number of jurisdictions around the world, but in Ontario we fail to see our nose for the rest of our face.

If this government were listening to environmentalists, we may have seen a tax in this budget that was a tax to be imposed on toxic chemicals. The environmental community in Ontario has been calling for a tax on toxic chemicals for many years. Never have they advocated a tax on tires, but they have advocated a tax on toxic chemicals, a graduated tax that would be based on the toxicity of the chemicals involved, the way in which they are going to be used, the ability of the company that is going to be using them to recycle those chemicals and the ability of the chemicals themselves to be destroyed or disposed of safely at the end of their useful life.

Those are the kinds of taxes we might want to seriously consider in Ontario if we want to help the environment. Those are the kinds of taxes we could put in place in this province that would do something real and concrete about what our major problem in this province is—the wide dispersal and inability to deal with toxic chemicals once we have used them, ending up having to store them in drums, warehouses and, inappropriately, in fields in some cases, and sometimes having to saturate them into ground which we then have to excavate and remove at considerable cost to the taxpayers of this province or some municipality or whatever the case happens to be.

Those are the kinds of actions the environmental community in Ontario has been demanding for many years, but that community on no occasion has advocated a tax on tires.

The Minister of the Environment did not recommend this tax to the Treasurer. This tax on tires is a brainstorm of the Treasurer, who has decided, as was suggested earlier by my colleague, that if he wanted to have any chance of being able to sell this tax to the public as acceptable, he would have to try to attach it to something like the environment, which is what he has tried to do.

The reality for those of us in this House and others who have followed environmental issues around this province and around the world over the course of the last decade is that we know only too well that in the case of tires, a solution that is not only acceptable but also profitable is being used in numerous jurisdictions outside of the province.

We sit here ignoring that fact and griping about the fact, as the minister related to us earlier, that there are 18 million tires sitting around this province, when they could be put to a good and useful purpose by an action of this Legislature to set up a specific program to deal with them instead of adding a \$5, undirected tax for their supposed cleanup.

This tax being touted as a tax for environmental purposes is a joke. This government should understand that those out there in the environmental community in the province of Ontario are laughing their behinds off at the government's claim that this is an environmental cleanup tax.

**Mr Fleet:** I want to remind members that the commitment in the budget is quite clear. It indicates, "The tire tax will help fund efforts to support recycling and environmentally sound disposal." In that respect, I want to thank the member for Windsor-Riverside (Mr D. S.



Cooke) for providing some facts from his community which demonstrate that there is a need for environmentally sound disposal and that it does not exist now. The reality is, as he relates, that it is not appropriate to put tires into the usual dump sites and that there are used tires in the millions all over the province of Ontario.

The proposal of the government is one which I support wholeheartedly. I do not understand at all the rationale advanced by some members of the opposition who do not think you need to spend money to deal with this problem. I am hearing a suggestion today by one member that all the technology is already there to clean it up. That is interesting because, as I understand it, that has not been advanced to the government, and perhaps the member can submit all that information.

There are members within this party who advocate having tax bases that reflect the environmental problems. I advocated an environmental protection tax in this Legislature last February. The principles behind the tire tax are entirely consistent with the points that I advocated then. The reality is that the research has not yet been completed, and certainly whatever technology may be available is not yet in place. We need additional funding to do that. That is why the tax is being implemented. We are going to be able to raise funds and we are going to also have funds as a result of these and other taxes that we raise in this province that are going to be aimed at cleaning up the problems of all these old tires, an admitted problem; even the opposition admits it is a problem.

I was rather bemused at the commentary of the member for Etobicoke-Rexdale (Mr Philip) suggesting that somehow this is a middle-class tax. I found it a little bit hard to understand. Let's not imagine the \$35,000 vehicle, I say to the member; consider a vehicle at, say, \$10,000, a brand-new car. You would probably be hard pressed to buy one for as low as \$10,000, but there are some around in that price range, I think. Four tires at \$5 a tire is \$20; it would represent the overwhelming amount of 0.002 per cent of the purchase price. I hardly think that is going to deter anybody from buying the car.

1730

The reality is that this is a tax that all people who buy new tires will pay, and in that sense it relates to the use of the tire. If you use the tire and the use of the tire causes an environmental problem, surely to goodness the users ought to be contributing to the cleanup.

The principle is straightforward. It does not relate to one's economic background; it relates to the kind of product one uses. I have made suggestions in this House specifically with other types of products. I hope the government and my colleagues and indeed my friends in the opposition will join with me in urging that we have other taxes that relate to products which are an environmental problem to dispose of, such as excess packaging.

It seems to me all of those kinds of products ought to be faced with a tax that (a) encourages people to use those products less and to substitute a more environmentally appropriate product, and (b) encourages manufacturers to move to find other alternatives. It seems to me that is an entirely sound principle of applying a tax.

I have widely distributed that point of view within my riding and elsewhere. I have yet to find anybody, when I talk to people on the street or in meetings either inside my community or elsewhere, who disagrees with the principle. They accept the principle that there are some products that are a bigger environmental problem, and to tax those products in the kind of fashion I have described is something they agree with. Nobody likes more taxes, but they are prepared to accept that this is a sound approach.

I encourage the government to consider other ways to do that, because the actual application will require a certain amount of expertise to make sure we are applying it to accomplish the desired end. As well, the tax on inefficient cars, cars that use inordinate amounts of fuel, is a similar example of that kind of principle.

I think it is one that is worth supporting. Taxes are not going to go away. We have to deal with the reality of how they are going to be applied and it seems to me that this is a very reasonable and a very widely accepted approach. It is a new approach and this government should be congratulated for having the courage to move forward in this area.

**Mr Philip:** I would like to respond to the inane remarks of the member for High Park-Swansea (Mr Fleet). First of all, he says that somehow this is based on the principle that the polluter must pay. If that is the principle, then why is it that this government does not tax the large corporations? Why have they failed to put a tax on Styrofoam and other major polluters? No, they only want to tax the middle-class person who needs a truck in order to do work or a car in order to commute to work because he lives in the suburbs. He cannot afford—



**Mr Fleet:** It is not a class-related tax. That is a fallacy.

**Mr Philip:** The member for High Park-Swansea wants to shout me down as usual. He tries to make up with volume for what he lacks in intelligence or argument.

**Mr Fleet:** That is not very nice, Ed. You don't have to try to be mean.

**Mr Philip:** I mean he follows in the traditional tradition of the members for High Park-Swansea of whatever political persuasion.

I want to say to the member for High Park-Swansea that many of my constituents cannot afford to buy a \$400,000 home in High Park-Swansea and live along the subway lines the way some of his constituents do. Therefore, they cannot take a subway to work. They have to commute to work in Mississauga and Peel and so forth and they need to use a car in order to do so.

Many of them are shift workers, and in particular some of the women have expressed to me their concern that even if there is public transportation, they do not like to walk from the bus to their homes at two or three o'clock in the morning. Therefore, they feel safer in taking their automobile to work if they happen to be shift workers. This is one more tax on people like that.

If this were really an anti-pollution tax, then why is the government so afraid to accept amendments that would guarantee that the money raised from this would actually go for environmental purposes? If it is not just a tax grab, then why are they afraid to put into the bill amendments that will guarantee that the money raised by this will go for the cleanup of the tires?

**Mr Charlton:** I think I also have to respond to the member for High Park-Swansea because he has raised a number of things that have become important illusions in this debate.

First of all, the member for High Park-Swansea has implied that the clear statement in the budget about—

**Mr Fleet:** I quoted from it.

**Mr Charlton:** The budget has absolutely no legal authority over the operation of this tax under the Retail Sales Tax Act. This government stood in this House earlier this afternoon and last week and voted against the amendments that were moved here that would have specifically, clearly, set out that clear statement from the budget in the legislation so that the intent of the tax was clear. So if the Liberals have a conscience that is also clean in terms of what this money is going to be used for, perhaps they

should have thought differently before they voted against the amendments.

Second, the member for High Park-Swansea has shown his willingness to believe the Treasurer and remain in ignorance on the issue of tires and their environmental hazard, because he has not bothered to check with anybody about state-of-the-art tire disposal and reuse. The technology has existed for well over a decade. The proposition was put to the former Tory government seven years ago when I was the Environment critic for the third party at the time. It has been put to this Environment minister since. He is aware of it.

The member for High Park-Swansea obviously has not even taken the time to consult with the Minister of the Environment to ask that minister whether he thinks this tax is a useful environmental tax or whether there could have been something environmentally more useful done in this budget. If he took the time to consult with the Minister of the Environment, as some of us have, on environmental issues, I think he would find a far different view in the Ministry of the Environment than what was expressed by the Treasurer on this tax and its environmental benefit. If the member is going to tout this as an environmental tax, then at least he should know what the Minister of the Environment and the officials in his ministry think of its value as an environmental cleanup tax.

I will end my remarks there, just repeating the fact that this tax being touted as an environmental tax is a joke, and the environmental community in Ontario is chuckling heartily.

**Mr Fleet:** I enjoyed in some respects some of the comments that were made by the last two members, the member for Hamilton Mountain and the member for Etobicoke-Rexdale. Even though the member for Etobicoke-Rexdale descended to personal attacks on me to some extent, that does not particularly bother me. I guess I am now sometimes used to hearing that from that quarter.

The thing that is perhaps most difficult to bear is the suggestion that the riding I represent is filled with nothing but wealthy people who are insensitive to all other interests. It is a curious view of the New Democratic Party that that is the composition of the riding. It perhaps explains their lack of comprehension of issues in the riding in the past, in the last couple of elections in particular.

It is particularly shocking in light of the composition of the riding. It is a riding with many different types of people, with a wide range of



social and economic classes within all parts of the riding. To suggest somehow that the view that we ought to have this tax means that everybody in the riding is uncaring of suburban Etobicoke or some such silly point of view is really quite astounding. It does show the lack of reality, the lack of being in touch of the NDP, at least with the people in my riding, and I would think that problem still exists in other places in this province.

Somehow, I knew I was going to hear again from the member for Etobicoke-Rexdale.

**Mr Philip:** I want to point out to the member for High Park-Swansea that I was not saying his constituents were insensitive to the problems of the suburbs. I was saying that he was insensitive to the people.

**Mr Furlong:** No; you said \$400,000 homes.

**Mr Fleet:** You were talking about \$400,000 homes. I will take you on a tour of the Junction where there are not any homes anything like that.

**The Deputy Chairman:** Order.

1740

**Mr Philip:** Mr Chairman, as usual, I have always listened attentively to the member for High Park-Swansea. The moment I try to make any comments, he tries to shout me down. If you cannot bring order, then I will wait until you do bring order.

Interjections.

**Mr Philip:** That is fine. If they want to play that game, they should not expect to get it through today. I can wait.

**The Deputy Chairman:** The member for Etobicoke-Rexdale has the floor. May I suggest that we move on to the bill and not have a dispute between two members.

**Mr Philip:** I agree. What I was trying to point out, however, was that people who live along subway lines are not as affected as those people who live in the suburbs and do not have the same options vis-à-vis public transportation.

I would like to ask the minister this question in dealing with this section. No doubt he has heard from the Toronto Transit Commission as to the additional costs it is going to have as a result of this. I wonder if he can comment on what those costs are. Has he heard from a number of municipalities and can he tell which municipalities and how much additional costs this is going to create for those municipalities, along with all the other costs that are being passed through by this government such as the \$14 million on Metro for police and courthouses and so forth? Has he

heard as to the additional cost in terms of, for example, the Metropolitan Toronto Police as a result of the extra \$5 per tire?

All of those are taxes that are not borne by people on a progressive tax basis, but rather are passed on through municipal taxes. I wonder if he has those figures since many of the people who are leaders in these communities have commented publicly in the press, attacking the government over its budget that is passing on additional costs to the municipalities through additional transportation costs, additional policing costs and additional costs for the operating of vehicles that are owned by the city. I wonder if he would like to share those figures or share the correspondence he has had on that matter.

**The Deputy Chairman:** Is there further discussion? Can I now ask whether section 3, as amended, will stand as part of the bill? Agreed.

Section 4 has already been dealt with.

**Mr Philip:** On a point of order, Mr Chairman: We were on section 3. I asked a number of questions of the minister. Is he suggesting that he is not prepared to answer my questions?

**Hon Mr Grandmaitre:** No, I was waiting to close the debate and I was going to answer. I intended to reply to all of his questions or to the last three anyway. While I am on my feet, I would like to advise the honourable member that, no, I have not heard from any police commission or from any transportation commission in this province. Maybe the Treasurer has, but I have not.

**Mr Philip:** Then I wonder if the minister can answer this question: Has he read their comments in the press and does he agree with the statements such as statements made by various people, community leaders, councillors in the city of Etobicoke, for example, who have commented very negatively about this budget and its effect on the municipal ratepayers?

**Hon Mr Grandmaitre:** The honourable member is asking me to make a comment on something I have read in the newspaper, but I do not know what their municipal budgets are or the TTC budget or the Metropolitan Toronto Police Commission budget, so I cannot comment on their figures.

**Mr Philip:** With respect to the minister, since the Treasurer commented and made some rather nasty remarks about the council and the mayor of the city of Etobicoke when the member for Etobicoke West (Mrs LeBourdais) asked him a question in the House, I wonder why this



minister feels he might not have any comments on similar matters.

**Mrs LeBourdais:** On a point of order, Mr Chairman: I may have misheard the member, but I did not ask a question of this minister. I asked a question of the Treasurer, I believe. I may have misinterpreted that, but I just wanted that on the record.

**Mr Philip:** The record will show that is what I said.

**The Deputy Chairman:** In any event, it is not a point of order. It is a matter of some information that could be made in the ordinary course of sequence of speeches. Minister, did you have any more to say?

**Hon Mr Grandmaître:** No, Mr Chairman, except that I am sure the Treasurer will answer the honourable member's questions any time.

**The Deputy Chairman:** We may proceed then. Shall sections 5 to 9, inclusive, stand as part of the bill?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Sections 5 to 9, inclusive, agreed to.

Bill, as amended, ordered to be reported.

#### LAND TRANSFER TAX AMENDMENT ACT, 1989

Consideration of Bill 23, An Act to amend the Land Transfer Tax Act.

**The Deputy Chairman:** Could members please indicate now whether they have amendments, questions or comments with respect to particular sections and list those sections for me? Are there any from the opposition?

**Mr Charlton:** I have no amendments. I have comments on sections 2, 3 and 4. I believe that is all.

**The Deputy Chairman:** Are there any government amendments?

**Hon Mr Grandmaître:** No.

Section 1:

**The Deputy Chairman:** There are no amendments. Therefore, shall section 1 stand as part of the bill?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Section 1 agreed to.

Section 2:

**Mr Philip:** Could the minister tell us what research, what criteria he may have used to come up with the figure of \$250,000 in section 2 as the lock-in figure?

**Hon Mr Grandmaître:** I am sure the figure of \$250,000 was not dreamed up by the Treasury people. The average home in the city of Toronto at the present time is close to \$250,000. If I am not mistaken, it is \$246,000. So, \$250,000 is very close.

**Mr Philip:** With respect, the figure I read the other day is that it is over \$250,000. If it is not over now, it certainly will be, even with the deflation at the present time. Even if it goes up only four per cent or five per cent this year, it will go over.

My question to the minister is this: What justification does he have to once again single out Metropolitan Toronto as another source of additional tax revenue, when the average person who happens to buy a home here is in fact going to be hit by this?

It is hard enough now for people to afford a home, without being hit by yet another government tax. Why should they be penalized when, in fact, when one looks around it is very difficult to find single, detached homes for less than that, and yet in other communities they can purchase homes at less than that?

Is it not just one more tax grab by the Treasurer from residents of the general Metropolitan Toronto area?

1750

**Hon Mr Grandmaître:** The only difference between pre-bill and post-bill is that there is an increase of one half per cent for single homes over \$400,000. I live in the city of Vanier close to Ottawa, and there are very few homes at \$400,000. I do not know about Etobicoke-Rexdale.

**Mr Charlton:** I go back to this question about the \$250,000. I would take it, from the minister's initial comments in response to the member for Etobicoke-Rexdale (Mr Philip), that he was hoping the \$250,000 figure captured average homes in this province. The comment that he thought the average price for an average home in Metro Toronto was \$246,000 implies that it was just under this limit, and therefore that people here still would be able to buy an average home without going to the higher rate. Am I correct in that assumption?

So the comment about the average price in Metro was just a red herring that he was throwing



out to throw some other scent on the question. What was the reference regarding?

**Hon Mr Grandmaître:** The question was, where did we dream up this figure of \$250,000? My answer to the honourable member was that at the time of the budget it was quoted in every newspaper and by real estate people that the average home in Metro would be around \$250,000. That was my answer.

**Mr Charlton:** What he is telling us is that he picked the \$250,000 figure to try to reflect the average home. He was answering a question, where did he get the \$250,000 figure from?

**Hon Mr Grandmaître:** What I am saying is that the only increase in the land transfer tax applies to homes over \$400,000; that is what the bill is all about and that is the difference. The \$250,000 remains at the same level of taxation; I do not know why it is entering the picture. There is no change in taxation.

**Mr Charlton:** I am trying to explain that to the minister. When one comes before the Legislature because taxes have worked their way out of date and no longer reflect current circumstances, one tries to adjust the tax to fit current circumstances. The reality is that some years ago, when the \$250,000 figure was put in, every average home in the province could be bought for less than \$250,000. That is no longer the case.

What the minister has told us here today is that the average price of the average home in Metro at the time of the budget was quoted as \$246,000. I hope the minister understands how averages work. Averaging means going out and taking the price on every average home that is sold, adding them all together, dividing by the total number of sales and that gives the average price of \$246,000. That means that approximately half of the average homes sold were sold for more than \$246,000.

The point is that the minister came in with a tax increase above \$400,000, but he did not do anything to try to adjust the lower tax rates to reflect the changes.

**Mr Carrothers:** No, read the bill.

**Mr Charlton:** It is the \$250,000 level that is the problem. The member should listen to what is being said here instead of shrinking his mind into the minister's argument.

The \$250,000 level no longer captures all of the average homes in Ontario; \$350,000 might. If it was tax policy 10 years ago that average homes should not pay the second-lowest rate, then that should still be tax policy in Ontario. If the top end of average homes is now \$325,000 or

\$330,000 or whatever, this tax bill should reflect that before one moves up to the next step in the tax structure.

The minister has not taken the time to look at any of these matters, which goes back to our objections with the bill in the first place: that it is just a way of getting money and does not reflect the imposition of economic or social policy in this province at all, which is what the tax was designed originally to do.

**Hon Mr Grandmaître:** I would like to quote from my briefing notes. I hope that I make it very, very clear to the honourable member that there has been no change in the rates other than the \$400,000 home or two single-family residences. The new rates will not affect a conveyance containing one or two single-family residences unless "the value of consideration exceeds \$400,000." I think this is very clear.

**Mr Charlton:** Again, the minister misses the point. The point is simple. Let me try to put it as simply as I can. An average home which three years ago sold for \$240,000 would be taxed, under subclause 2(1)(c)(iii) of the bill, at 1.5 per cent. That average home is now selling for \$275,000 and has been bumped up into the next category of taxation even though it is still the same average home which the same average wage earner is expected to try to buy.

The same as when inflation goes up we expect the government to adjust the seniors' tax rebate and the property tax rebate, we expect this government to keep on top of its taxes; taxes which have staggered rates for a purpose. The staggered rates were put in this tax to reflect some benefit to the poor and some disbenefit to the less poor and the more wealthy.

These taxes should be adjusted to reflect the changes in the economy as they relate to real estate so that average home owners are not being further penalized by the value speculation that is going on out there in the residential home real estate market.

**Hon Mr Grandmaître:** I find it very, very strange that a New Democratic Party member is in favour of more taxes, and that is what he is trying to say.

**Mr Charlton:** I did not say more taxes. I said change the form in which the taxes go up; reflect the average home.

**Hon Mr Grandmaître:** "Change the formula and introduce new taxes." I am repeating myself but I think it is very important for the honourable member, who is the only NDP member in the House, to be reminded that only two single-



family houses over \$400,000 are affected by this increase.

Interjections.

**The Deputy Chairman:** Order, please. In view of the hour and in view of the tempers here, it may be appropriate to adjourn.

On motion by Mr Charlton, the committee of the whole reported progress on one bill, one bill without amendment, and one bill with certain amendments.

BUSINESS OF THE HOUSE

**Hon Mr Conway:** Pursuant to standing order 13, I would like to indicate the business of the House for the coming week.

On Monday we will consider Bill 23, the Land Transfer Tax Amendment Act, 1989, and Bill 24, the Gasoline Tax Amendment Act, 1989, along with Bill 93, the Justices of the Peace Act, 1989, in committee of the whole House. Also on

Monday, we will consider any bills awaiting third reading then standing in the Orders and Notices.

On Tuesday, Wednesday and Thursday, we will deal with the second reading of Bill 33, the Ontario Mineral Exploration Program Act, 1989, Bill 35, the Sarnia-Lambton Act, 1989, and Bill 209, the McMichael Canadian Art Collection Act, 1989.

Any further business—and there may very well be further business—will be announced after discussion among House leaders.

On Thursday in the morning, we will deal with private members' business standing in the names of the member for Lanark-Renfrew (Mr Wiseman) and the member for Wentworth East (Ms Collins).

The House adjourned at 1803.

ERRATUM

No.	Page	Column	Line	Should read:
33	1717	1	44	companies that we know of for a fact— <b>The Speaker:</b> Premier.



## ANSWERS TO QUESTIONS IN ORDERS AND NOTICES

### PENSION PLANS

**104 Mr D. S. Cooke:** Will the Minister of Financial Institutions indicate for each of the last five years the names of the companies who have taken so-called contribution holidays (as defined in section 8(d) of the Pension Commission of Ontario's annual information return [form 2], "credits or surplus, if any, used to reduce employer current service payments") relating to their pension plan contributions and the amount in each case? [Tabled 8 May 1989]

**Hon Mr Elston:** The information requested under this question is not available on any records at the Pension Commission of Ontario. Further, to collect this information would require the review of 10,000 files by pension commission staff. It is estimated that a review of this nature would take approximately 48 weeks. It is not in the public's interest for the Pension Commission of Ontario to undertake such an exercise.

**105 Mr D. S. Cooke:** Will the Minister of Financial Institutions indicate for each of the last three years the names of companies making so-called surplus withdrawals from their pension plans, in each case whether the plan was active or being wound up, and the dollar value of each such withdrawal? [Tabled 8 May 1989]

**Hon Mr Elston:** The information requested under this question will not be provided because it is not in the public interest for this type of information to be disclosed in the Legislature. The Ministry of Financial Institutions has received requests of a similar nature from the public under the Freedom of Information and Protection of Privacy Act, and this information has not been released because of section 17 of that act which protects employers and employees from having sensitive information released for public policy reasons. However, individual plan members or their bargaining agents do have access to this information under the Pension Benefits Act, 1987. The information is available either from the employer or by personal examination of the files at the Pension Commission of Ontario.

### ACCESSIBILITY FOR THE DISABLED

**147 Mr Allen:** Would the Minister of Government Services please inform the House of the amount spent by his ministry to modify properties owned or leased by the government of

Ontario to make them physically accessible for the disabled during the years 1984-85, 1985-86, 1986-87, 1987-88 and 1988-89? [Tabled 10 May 1989]

**Hon Mr Patten:** Over the five years in question, the Ministry of Government Services spent a total of \$4 million (broken down as follows) to provide barrier-free access to the disabled: 1984-85, \$0.3 million; 1985-86, \$1 million; 1986-87, \$1.3 million; 1987-88, \$0.6 million; 1988-89, \$0.8 million.

I am pleased to advise that in co-operation with the Office for Disabled Persons, my ministry has developed a five-year program which will address the removal of these barriers for the physically handicapped. I announced this program on 6 June 1989 in the Legislature, at which time I indicated that \$38 million had been allocated for this five-year initiative.

**148 Mr Allen:** Would the Minister of Government Services please inform the House of the estimated percentage of the total area of properties owned by the province of Ontario and used by employees of the government of Ontario or citizens of Ontario conducting business with the government of Ontario which is inaccessible to persons with some restriction on physical mobility due to a disabling condition? [Tabled 10 May 1989]

**Hon Mr Patten:** The Ministry of Government Services has carried out a survey to determine which of its properties are inaccessible to persons with physical disabilities. This survey indicated that 11 per cent of our buildings (1,344 out of a total of 10,365) still have some barriers to accessibility for the disabled.

I am, however, pleased to advise that in co-operation with the Office for Disabled Persons, my ministry has developed a five-year program which will address the removal of these barriers for the physically handicapped. I announced this program on 6 June 1989 in the Legislature, at which time I indicated that \$38 million had been allocated for this five-year initiative.

### WATERFRONT DEVELOPMENT

**176 Mrs Grier:** Would the Minister of the Environment provide the House with the terms of reference for the environmental management master plan that he has requested be completed for the shoreline of Lake Ontario between the



Humber River and the Mimico Creek in the city of Etobicoke; and would the minister also provide the name of the Ministry of the Environment representative on the steering committee for the aforementioned master plan? [Tabled 25 May 1989]

**Hon Mr Bradley:** The following terms of reference for the waterfront public amenity scheme for the motel strip secondary plan were adopted by the council of the city of Etobicoke on 3 April 1989 after review and modification by staff of the ministries of Municipal Affairs and the Environment.

Ministry of the Environment representatives on the associated steering committee will be the municipal unit planner in the environmental assessment branch and the planning co-ordinator in central region.

Terms of reference, waterfront public amenity scheme:

**Purpose:** It is the intention of the city to retain a consultant or a consultant team to prepare and finalize the design of a waterfront park system and related pedestrian amenity areas extending from the Humber River to Mimico Creek. The purpose of this exercise is to provide the city with a design scheme and implementation strategy which can be used as the basis for public initiatives, including the creation of parks or other public spaces and road elements, in conjunction with the private sector and other government agencies. A further objective is to enhance environmental quality through design and development of the area to ensure aquatic environments of a quality compatible with future uses of the area.

The consultant recommendations will also provide guidance on the massing and orientation of buildings adjacent to or in the waterfront promenade and their relationship to future public and private amenity areas as well as on remediation of existing storm flows and storm water impacts, developments and construction controls including soils management.

**Background:** City of Etobicoke council adopted the motel strip secondary plan, which supports the creation of an active mix of residential buildings, hotels, offices and specialty retail areas which take full advantage of the prime waterfront site. The secondary plan provides for the creation of a network of pedestrian walkways and public spaces, including a waterfront promenade comprised of such elements as boardwalks, terraces, piers, public roads and walkways and low-scale public activity uses such as restaurants, cafes, ski trails, etc. The public access

system should also link the promenade to Lakeshore Boulevard.

A primary public objective in implementing the plan will be securing a minimum of 5.5 hectares (13 acres) of open space within the development area comprising the waterfront promenade, an internal park site and other public lands. The motel strip areas has recently been selected as the location for the new \$60-million Metropolitan Toronto Seaquarium, which will provide a year-round attraction and focus for future redevelopment activity.

Securing the public objectives will require initiative on the part of the city of Etobicoke and other agencies including the Metropolitan Toronto and Region Conservation Authority and the Metropolitan Toronto parks department. A first step in this process is finalizing the layout of the waterfront parks scheme consistent with the terms of reference set out below.

Critical factors to be reviewed as part of this project include the appropriate design and furnishing of the promenade; the location and extent of fill necessary to achieve a preferred design; environmental quality management measures; costs, phasing and implementation features; distribution of public amenities, open space and view corridors throughout secondary plan area, and relationship of built form, including heights, setbacks and orientation.

**Area of study:** The consultant should prepare a comprehensive scheme for the public elements on that portion of the Etobicoke waterfront between the Humber River and Mimico Creek, generally south of Lakeshore Boulevard West.

In undertaking the work, the consultant should investigate, evaluate and make recommendations with regard to the following elements:

- 1 The waterfront promenade

- A. Configuration

Design and configuration to achieve objectives set out in amendment including differentiation of the private and public areas.

The extent of fill or excavation necessary to secure the preferred design scheme.

Areas of active or passive use including separation distance between active use components (including provision for concert, theatre or festival space).

Boardwalk treatment and furnishings including, but not limited to, surface treatments/street furniture/lighting, landscaping; shelters/pergolas/arcades; docks/mooring/shoreline treatments.

- B. Environmental issues



The need for, and possible benefits of, a potential breakwater or deflector arm located generally south of Palace Pier Court.

Existing environmental baseline conditions related to water quality and circulation, soil and sediment conditions and quality, fisheries and aquatic plant growth.

Potential positive or negative impacts including changes to the rate of sedimentation and circulation, increased water-oriented activity including boat traffic, storm water management measures and fill quality.

Analyses of waterfront designs and associated storm flow and storm water management options including remediation of existing storm outfalls.

Potential impacts of other known projects including the Humber River remedial action plan and modification to the Humber sewage treatment plant outfall.

Mitigative measures including a fill quality control program, sediment control, dredging or other site cleanup, and other special measures including edge treatments, planting, habitat creation and circulation enhancements including pumps and channels.

### C. Implementation

An overall implementation strategy including costs, methods of financing, acquisition of necessary property and implementation of the scheme, including phasing, streetscape, landscape improvements, storm water and soils management.

Strategies for the development, future ownership and maintenance of public areas within the waterfront promenade.

These components will comprise the majority of the work and budget. It should include an analysis of opportunities and constraints to the development of a waterfront park system and should present a series of alternatives suitable for consideration. The consultant should recommend a preferred plan.

### 2 Public access

Access and circulation systems (pedestrian, bicycle, transit and vehicular) and appropriate locations for required parking and facilities to accommodate the handicapped.

The relationship between the preferred alignment of the internal road, the waterfront park areas and other public elements including a consideration of the need to create or preserve view corridors in or through the area.

The relationship of the public elements to other regional facilities including the Humber Bay parks, the Western Beaches and the major

valleyland areas (Humber River and Mimico Creek).

### 3 Built form relationships

Development standards for the relationship of built elements to the open space network, with recommendations for massing, height, terracing, orientation and weather protection in accordance with the principles set out in the secondary plan.

Information base: Information available to the consultant includes mapping (photoflex and topographic at 1:2000 scale); existing studies, zoning and official plan documents; the MTRCA fill quality program; relevant materials submitted in support of development proposals; property ownership information.

Products: The recommendations for the waterfront amenity scheme may be phased and comprised of segments related to an analysis of built elements in accord with item 3 above, the finalized design for public spaces including roads linking to and or forming part of the waterfront promenade with supporting technical documentation and an environmental review in accord with items 1 and 2.

The consultants will be required to provide the city with 20 copies of a report or reports detailing the above investigation and including the recommended plan, copies of relevant supporting technical data not included in the final report(s) and graphic material(s) including location and landscaping plans (at 1:2000) and site or building plans (at 1:200).

Steering committee: The consultant's proposal will be reviewed by a steering committee comprised of staff from the planning, works, parks and recreation services departments, the Metropolitan Toronto and Region Conservation Authority and the Metropolitan Toronto parks department. The steering committee will provide direction to the consultant team throughout the process in an effort to secure the early completion of the required work.

Time: It is anticipated that the analysis and recommendations will take four months to complete, assuming a startup date by the end of April.

Budget: The total cost of the project shall not exceed \$160,000. Cost estimates should be provided for each phase or component of the project and the anticipated products. The consultant will be required to provide camera-ready copies of any artwork. Payment may be made in stages upon evidence of work completed.

Proposals: The consultant's proposal should include the following:



An outline of the proposed work program including key components and scheduling of production.

An indication of the anticipated role of staff from the participating agencies (personnel and time requirements).

The qualifications of the consulting firm to undertake the project and examples of past experience in similar work with particular reference to the urban design and environmental aspects of the work.

The staff assigned to the project and any subconsultants used: name, qualifications, positions held in the firm, hourly rates and relevant experience.

The estimated number of days that the project manager and other key staff will devote to the assignment.

#### LICENSED COMMERCIAL FISHERMEN

**193 Mr Pollock:** Would the Minister of Natural Resources provide the number and names of licensed commercial fishermen on Georgian Bay and list their quotas? [Tabled 7 June 1989]

**194 Mr Pollock:** Would the Minister of Natural Resources provide the number and names of licensed commercial fishermen on Lake Huron and list their quotas? [Tabled 7 June 1989]

**Hon Mr Kerrio:** In response to questions 193 and 194, the attached sheets state the quotas, numbers of fishermen and number of licences for the requested lakes and then list the names of the licensed commercial fishermen on those lakes.

Georgian Bay quotas (in pounds) by species: walleye, 21,300; chub, 798,859; lake trout, 45,749; yellow perch, 168,821; lake whitefish, 380,029.

Georgian Bay: Number of licensed fishermen, 26; number of licences, 43.

Hubert Charlebois, Jerome Charlebois, Chipewa of Nawash, George Cooper, Charles Dampier, Robert and Ross Herbert, William Karwaski, Leonard Lamore, Henry Lepage, William Lotz, Warren Loughheed, Laurier Low, Peter Lowe, Maurice Meneray, Gerry Murphy, Glenn Parr, Gerry Penner, George Penner, John Perks, Allan Proulx, Basil Rogue, George Simpson, Ed Tonello, Walter White, Winfried Wiener.

Lake Huron and North Channel\* quotas (in pounds) by species: walleye, 355,012; chub, 1,246,646; lake trout, 110,816; yellow perch, 845,803; lake whitefish, 3,381,971.

Lake Huron and the North Channel: Number of licensed fishermen, 58; number of licences, 89.

Lloyd Aikens, Beausoleil Band Council, Hector Bishop, Allen Bressette, Evald Carlson, Ernest Carlson, Peter Carlson, Philip Carlson, Eddie Carlson, Elmer Carlson, Edwin Carlson, Peter Dean, John Deeg, Roland Edmonstone, Arthur Fordham, Charles Gagnon, Douglas Goodison, Murray Hore, Douglas Huber, Inland Sea Products, William Jackson, Ronald King, Albert La Blance, Steven Lang, Alfred Lee, Jerry Liddle, John Liverance, Loop Fishery Ltd, Dan Macleod, Eldridge McCulligh, Darwin McCulligh, Robert McGraw, Raymond McLay, Wayne Mitchell, Bryan Nyman, Clarence Nyman, Gregory Nyman, Leonard Nyman, Harold Nyman, Vito and Salvatore Peralta, Pilon Fisheries Ltd, Joe Pratas, Andrew Pucovsky, Purdy Fisheries Ltd, George Purvis, Purvis Brothers Ltd, Russell and Delbert Raney, Peter Shigwadja, Stanley Smith, Stanley Telford, Alphonse Trudeau, Don Trudeau, Harvey Trudeau, Peter Trudeau, Jim Vance, Ron Wakegijig, William Wipp.

\*The North Channel is considered to be part of Lake Huron for commercial fishing purposes.

#### FARM TAX REBATES

**201 Mr Wildman:** Would the Minister of Agriculture and Food provide the following information regarding the Ontario farm property tax rebate program: (a) the total number of rebate cheques issued in the most recent year, with a breakdown by geographic region; (b) the number of rebate cheques issued to individuals and the numbers issued to corporations and/or other bodies; (c) the number of rebate cheques issued to owner-occupied farms and the number issued to land owners who were renting out their farms; (d) the number of individuals receiving the rebate who had off-farm incomes in excess of \$40,000, with a breakdown by geographic region, and (e) the definition which the ministry uses to define off-farm income including how this definition treats spousal off-farm income? [Tabled 12 June 1989]

**Hon Mr Riddell:** Questions (a), (b) and (c) refer to the number of rebate cheques issued in the most recent year of the farm tax rebate program (1988). The number of cheques does not reflect participation in the program as some participants received both an interim and a final payment cheque while others received the final only. These questions have therefore been



answered based on the number of applicants paid rather than on the number of cheques issued.

(a) The number of applicants paid under the 1988 program by geographic region is as follows: south and west region, 83,273; north and east region, 35,844; split across counties, 10,736; provincial total, 129,853.

(b) An analysis of the 1988 program database reveals that payments were made to approximately 8,015 corporations and limited companies. The remainder of the payments went to 121,838 applicants who were not identified as corporations or companies.

(c) The 1988 program included a question asking whether the property was owner-operated, rented or a combination of both. A total of 28,482 applicants indicated that they rented their property to someone else in 1988.

(d) The farm tax rebate program database does not include the off-farm earnings of program participants.

(e) Off-farm income is considered to be income from all sources except farming income, pension income and family allowance. The income for all registered owners of each property, as reported on the 1988 income tax return, is combined. The ministry does not consider "spousal" income, but the income of the property owners.

## INTERIM ANSWERS

**208 to 240 Mr McLean et al—Hon Mr Elston:** The answer to these questions is being co-ordinated by Management Board. The information required to answer these questions cannot be obtained within the normal period of 14 days but should be available on or about 16 October 1989.

## RESPONSES TO PETITIONS

### NATUROPATHY

Sessional paper P-1, re naturopathy.

**Hon Mrs Caplan:** The final recommendations of the health professions legislation review were tabled in the Legislature on 26 January 1989. In its final recommendations, the review continued to recommend that the profession of naturopathy not be statutorily self-governing. Naturopaths would remain able to practise without specific legislation.

The Ministry of Health has circulated the HPLR's final recommendations to professional governing bodies and other interested parties and is itself assessing the recommendations and their implications. I am meeting with those groups most affected by the review and its recommenda-

tions prior to introducing legislation. Included in these groups will be the board of directors of Drugless Therapy—Naturopaths and the Ontario Naturopathic Association.

### TEACHERS' SUPERANNUATION

Sessional paper P-2, re Teachers' Superannuation Act.

**Hon Mr Ward:** The issue of providing a pension based on a "best five" years' service to those who have already retired must be viewed in the context of the overall financial situation of the teachers' pension plan.

Studies have shown that a "best five" recalculation would have considerable cost implications for the teachers' pension funds. Studies have also indicated that such a measure would not provide significant improvements for those who retired prior to 1976 and did not benefit from improved salary conditions and inflation protection.

In 1985 this issue was referred to the Public Sector Pensions Advisory Board, which reviewed the matter and recommended against such a change. Following these recommendations, the government decided that the most effective use of limited resources would be to augment low pensions with an ad hoc increase for teachers who retired prior to 1976. This improvement was implemented in 1987 and has been paid for entirely by the government.

### HOME CARE

Sessional paper P-10, re Victorian Order of Nurses.

**Hon Mrs Caplan:** The Victorian Order of Nurses has been a valued provider of nursing services to this ministry's local home care programs for many years. These services have been fully funded, and when a deficit occurred in 1985-86 it was also funded.

In 1988-89, a further deficit estimated by VON to be \$2.5 million was brought to our attention, and I was pleased to announce on 5 May that this deficit will be fully funded.

During 1988, the management consulting firm of Stevenson, Kellogg, Ernst and Whinney conducted, as a joint undertaking of the Ministry of Health and VON Ontario, an operational review of six VON branches. The report on this project made a number of recommendations to improve operational linkages and long-term funding arrangements between the two parties and outlined opportunities to improve efficiencies within the VON. Ministry staff are currently working with VON Ontario to implement these recommendations.



## SOCIAL ASSISTANCE

Sessional paper P-16, re Social Assistance Review Committee report.

**Hon Mr Sweeney:** Contrary to the comments made in the above-noted petition, the government is implementing the essence of social assistance reforms recommended in the Transitions report prepared by the Social Assistance Review Committee.

In his budget of 17 May 1989, the Honourable Robert Nixon, Treasurer of Ontario, allocated \$415 million on an annualized basis for the changes to the social assistance system which will take place during the 1989-90 fiscal year. The three major areas of reform which will be addressed are economic independence, benefit adequacy and fairness and simplification.

In order to do a better job of helping people who receive social assistance to move into training and employment, the government is implementing a new program initiative called the supports to employment program. The STEP initiative comprises seven separate changes which will be implemented on 1 October 1989. It includes major components which are intended to remove barriers to employment by ensuring that people receiving social assistance are always financially better off for each dollar they earn.

My ministry will be taking action to expand, consolidate and streamline existing employment support programs. An overall increase of \$54 million will be made available. The Ministry of Skills Development will be providing a further \$8 million in literacy training over the next three years with people who receive social assistance as the key target group.

The second major area of Ontario's social assistance reforms consists of \$293 million in improvements to benefits. Enrichments will be made in the reform of shelter benefits, children's benefits and general rate adjustments. The general increase will raise rates by six per cent as of 1 January 1990.

The changes in the way which shelter costs are paid will result in a new and simpler social assistance allowance structure with only two major components: one for basic needs such as food and clothing, and a separate shelter component which pays 100 per cent of the cost of shelter up to a specified limit. These improvements are effective 1 January 1990.

The issue of child poverty is at the heart of the reform package. Many of the initiatives announced will assist children in families receiving social assistance, but more direct help is needed. Therefore, I am implementing an additional \$54

million in funding as of 1 October 1989 to increase the children's portion of the allowances in our social assistance programs.

In addition, to assist in making the system more equitable and less complex, we will use a total of \$18 million to raise the level of benefits paid to men aged 60 to 64, raise allowances for elderly people who do not qualify for old age security, change the treatment of farm income so it is considered in the same manner as small business income and test pilot projects involving the direct deposit of social assistance payments into bank accounts.

These and other changes to take place by January 1990 will lead to a fairer and simpler system.

With the reforms recently announced as a foundation, my ministry will begin the task of moving towards new legislation which will consolidate the Family Benefits and General Welfare Assistance Acts.

I also intend to pursue with the federal government those many issues which will require discussion at the national level. I have already raised the matter of a national children's benefit at a recent meeting with my provincial counterparts.

As we move forward to implement these changes, we are not only introducing major reform of the welfare system in Ontario but also making an important investment in people. The present course of action reveals that the government of Ontario is committed to implementing the key aspects of SARC's recommendations.

## SECURITY IN PREMISES USED BY PUBLIC

Sessional paper P-18, re Trespass to Property Act.

**Hon Mr Scott:** The existing legislation permits the arbitrary eviction and exclusion of individuals from property to which the public is generally invited. It does not provide equal and fair protection for individuals, despite the applicability of the Human Rights Code.

Bill 149 would provide protection very similar to the existing law to business people while eliminating the unfairness of that law. Bill 149 would only require that people required to leave publicly used property be given the reason for being excluded. Actions that are incompatible with the public's use of the premises and actions that breach the occupier's reasonable rules are both a good basis for exclusion. Anyone who behaves improperly can be charged immediately. People could be banned for 30 days each time



they misbehave. The ban would be effective even though the banned person objects.

Good managers of publicly used government and private property already realize that the arbitrary exercise of power against individuals is

no longer acceptable. Bill 149 will require all managers to be fair. It will still ensure that property owners and retailers can provide a pleasant, safe shopping environment.



## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

Second Session, 34th Parliament

**Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC**

- 
- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
 Beer, Charles (York North L)  
 Black, Kenneth H. (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon James J.**, Minister of the Environment (St Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breaugh, Michael J. (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon Elinor**, Minister of Health (Oriole L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
 Collins, Shirley (Wentworth East L)  
**Conway, Hon Sean G.**, Minister of Mines (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L. (Durham East PC)  
**Curling, Hon Alvin**, Minister of Skills Development (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St Catharines-Brock L)  
**Eakins, Hon John F.**, Minister of Municipal Affairs (Victoria-Haliburton L)  
**Edighoffer, Hon Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon Murray J.**, Chairman of the Management Board of Cabinet and Minister of Financial Institutions (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)  
**Fontaine, Hon René**, Minister of Northern Development (Cochrane North L)  
**Fulton, Hon Ed**, Minister of Transportation (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
**Grandmaître, Hon Bernard C.**, Minister of Revenue (Ottawa East L)  
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)  
 Haggerty, Ray (Niagara South L)  
 Hampton, Howard (Rainy River NDP)  
 Harris, Michael D. (Nipissing PC)  
 Hart, Christine E. (York East L)  
 Henderson, D. James (Etobicoke-Humber L)  
**Hošek, Hon Chaviva**, Minister of Housing (Oakwood L)  
 Jackson, Cameron (Burlington South PC)  
 Johnson, Jack (Wellington PC)  
 Johnston, Richard F. (Scarborough West NDP)  
 Kanter, Ron (St Andrew-St Patrick L)  
**Kerrio, Hon Vincent G.**, Minister of Natural Resources (Niagara Falls L)  
 Keyes, Kenneth A. (Kingston and The Islands L)  
 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
**Kwinter, Hon Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
 Laughren, Floyd (Nickel Belt NDP)  
 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
 Lipsett, Ron (Grey L)  
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 Mackenzie, Bob (Hamilton East NDP)  
 Mahoney, Steven W. (Mississauga West L)  
**Mancini, Hon Remo**, Minister without Portfolio (Essex South L)  
 Marland, Margaret (Mississauga South PC)  
 Martel, Shelley (Sudbury East NDP)  
 Matrundola, Gino (Willowdale L)  
 McCague, George R. (Simcoe West PC)  
 McClelland, Carman (Brampton North L)  
 McGuigan, James F. (Essex-Kent L)  
 McGuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)  
**McLeod, Hon Lyn**, Minister of Colleges and Universities (Fort William L)  
 Miclash, Frank (Kenora L)



- Miller, Gordon I. (Norfolk L)  
 Morin, Gilles E. (Carleton East L)  
 Morin-Strom, Karl E. (Sault Ste Marie NDP)  
 Neumann, David E. (Brantford L)  
 Nicholas, Cindy (Scarborough Centre L)  
 Nixon, J. Bradford (York Mills L)  
**Nixon, Hon Robert F.**, Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)  
**Oddie Munro, Hon Lily**, Minister of Culture and Communications (Hamilton Centre L)  
 Offer, Steven (Mississauga North L)  
**O'Neil, Hon Hugh P.**, Minister of Tourism and Recreation (Quinte L)  
 O'Neill, Yvonne (Ottawa-Rideau L)  
 Owen, Bruce (Simcoe Centre L)  
**Patten, Hon Richard**, Minister of Government Services (Ottawa Centre L)  
 Pelissero, Harry E. (Lincoln L)  
**Peterson, Hon David R.**, Premier and President of the Council and Minister of Intergovernmental Affairs (London Centre L)  
 Philip, Ed (Etobicoke-Rexdale NDP)  
**Phillips, Hon Gerry**, Minister of Citizenship (Scarborough-Agincourt L)  
 Poirier, Jean, Deputy Speaker and Chairman of the Committees of the Whole House (Prescott and Russell L)  
 Pollock, Jim (Hastings-Peterborough PC)  
 Polsinelli, Claudio (Yorkview L)  
 Poole, Dianne (Eglinton L)  
 Pope, Alan W. (Cochrane South PC)  
 Pouliot, Gilles (Lake Nipigon NDP)  
 Rae, Bob (York South NDP)  
**Ramsay, Hon David**, Minister of Correctional Services (Timiskaming L)  
 Ray, Michael C., Deputy Chairman of the Committees of the Whole House (Windsor-Walkerville L)  
 Reville, David (Riverdale NDP)  
 Reycraft, Douglas R. (Middlesex L)  
**Riddell, Hon Jack**, Minister of Agriculture and Food (Huron L)  
 Roberts, Marietta L. D. (Elgin L)  
 Runciman, Robert W. (Leeds-Grenville PC)  
 Ruprecht, Tony (Parkdale L)  
**Scott, Hon Ian G.**, Attorney General and acting Solicitor General and minister responsible for native affairs (St George-St David L)  
 Smith, David W. (Lambton L)  
 Smith, E. Joan, (London South L)  
 Sola, John (Mississauga East L)  
**Sorbara, Hon Gregory S.**, Minister of Labour (York Centre L)  
 South, Larry (Frontenac-Addington L)  
 Sterling, Norman W. (Carleton PC)  
 Stoner, Norah (Durham West L)  
 Sullivan, Barbara (Halton Centre L)  
**Sweeney, Hon John**, Minister of Community and Social Services (Kitchener-Wilmot L)  
 Tatham, Charlie (Oxford L)  
 Velshi, Murad (Don Mills L)  
 Villeneuve, Noble (Stormont, Dundas and Glengarry PC)  
**Ward, Hon Christopher C.**, Minister of Education (Wentworth North L)  
 Wildman, Bud (Algoma NDP)  
**Wilson, Hon Mavis**, Minister without Portfolio (Dufferin-Peel L)  
 Wiseman, Douglas J. (Lanark-Renfrew PC)  
**Wong, Hon Robert C.**, Minister of Energy (Fort York L)  
**Wrye, Hon William**, Minister of Consumer and Commercial Relations (Windsor-Sandwich L)

\*The alphabetical list of members appears in each issue. Lists of the members of the executive council, parliamentary assistants and members of committees, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.



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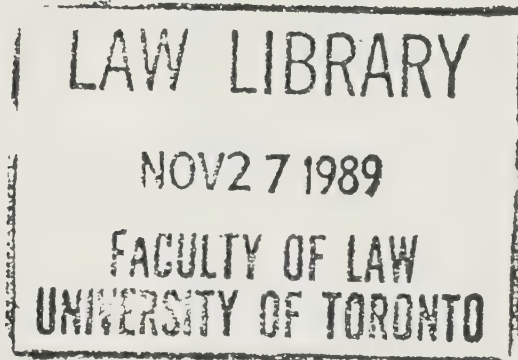




# **Hansard**

## **Official Report of Debates**

### Legislative Assembly of Ontario



**Second Session, 34th Parliament**  
Monday 10 July 1989

Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 10 July 1989

The House met at 1330.

Prayers.

## MEMBERS' STATEMENTS

### PLANT CLOSURE

**Mr Farnan:** On 10 June, the doors at Savage Shoes Ltd in Cambridge were closed for ever and the locks were changed. Without any notice or warning, the company went into receivership, leaving more than 60 people in the lurch.

They are the workers, people who are still owed their last week's wages, vacation and severance pay, people who have worked there for more than a decade but do not know when or if they will receive their money. The receiver will not disclose any information about the financial picture or even discuss the security of the workers' pensions. Once again, the working people of this province are left holding the bag while the government, through loose bankruptcy legislation, protects the interests of wealthy creditors.

The workers of Savage and Ontario deserve better than this. They deserve legislation that would make sure employees are paid everything they are owed when a company goes into receivership. This can be achieved only by passing legislation that would recognize workers as the first creditors to be compensated in the event of a bankruptcy. Workers deserve no less.

Many of the employees of Savage Shoes have given a lifetime of service. All they want is what is rightfully theirs and what indeed should be legally theirs.

### LEARNING MATERIALS

**Mr Jackson:** Today Bill 5, an act to make heritage-language programs mandatory, will be given third reading, and royal assent by the end of the week.

I think it is worthy of note that the Ministry of Education has allocated \$12.8 million for the development and strengthening of these third-language instructional programs. However, what we have not heard from the Minister of Education (Mr Ward) is that he sent to all school boards in Ontario, on 20 March of this year, memorandum 109, which indicates that the learning materials

development branch and a program of his government will not operate in 1989 and in subsequent years.

This program provides for learning materials in the English language. It does so for funding new textbooks for evolving subjects such as environmental studies, technological studies and science, but clearly, these may not be developed with the same kind of commitment they have enjoyed from previous governments in the past.

They have allowed French-language support programs, however, to continue. It is with regret that we must note that the Liberal government and the Minister of Education are placing third-language instruction ahead of the needs of English-language core curriculum and support services for those students.

### DRUG ABUSE

**Mr Polsinelli:** The rise in the use of illegal drugs is a very serious problem with many communities in our province. This is a crisis which touches all of our lives in some way or another.

I wish to inform members of the outstanding efforts of people in my community coming together to try to deal with this terrible tragedy affecting our young people. In my riding of Yorkview, a family drug forum was organized by the Neighbourhood Watch network. The forum invited parents and children to discuss with a broad cross-section of representatives from community service organizations, the Metropolitan Toronto Police force and the various levels of government, ways in which the community can establish a co-ordinated effort on this issue.

Over 100 families participated in the program, which included displays and a puppet show performed by the Kids on the Block, an organization which presents the issue simply to children, teaching them that drugs are really not the in thing to do. As well, the panellists helped all the adults become better versed in the roles and responsibilities we all have towards solving this problem.

Our recent throne speech and budget have shown the government is prepared to meet this issue head-on. As a result of the recommendations made by the member for Muskoka-



Georgian Bay (Mr Black) in his excellent report on illegal drugs, an additional \$37 million has been allocated over the next two years to this problem. This money will be used to provide for a wide range of activities including community-based drug treatment, a mandatory drug education program for grades 4 to 10 in Ontario schools and increased law enforcement capabilities.

I would like to commend the organizers of the Yorkview community forum, specifically Jim Brock, whose hard work and dedication have helped bring us one step closer towards the realization of the goal of a drug-free society.

### LABOUR DISPUTE

**Mr Mackenzie:** What is happening to workers in Ontario? Why has this Liberal government decided that it is open season on workers?

On 6 July an injunction was issued to restrict legal picketing by the 95 members of the Southern Ontario Newspaper Guild who are employed as inserters at the Hamilton Spectator. These women are making \$7 an hour in part-time jobs with no benefits and have up to 20 years' service.

They are in a legitimate strike for basic fairness around the issue of pay equity. Pay equity is not very high on the agenda of the Spectator and its editor, Gordon Bullock. Obviously, with the renewed freedom with which injunctions against workers are handed out, it is also not very high on the agenda of the Liberal government.

What is even more disturbing are the comments of Sergeant Bayne Henderson, the so-called labour liaison officer of the Hamilton-Wentworth Regional Police, who, in an affidavit supporting the injunction, stated: "I decided it was impossible to control the picket line. The situation has escalated. There was a fear of injury and the rest of the city was in peril."

By most labour standards, the efforts of the 95 women and any supporters on the line were a Sunday school picnic compared to many labour confrontations. I am surprised he did not call for tanks, machine-guns or the War Measures Act. Has this government retreated to yesterday in terms of labour relations? Are injunctions once again to be an automatic order of the day? Is it not just massive corruption but also simple deterioration of the brain from which this government seems to be suffering?

### SECURITY IN PREMISES USED BY PUBLIC

**Mr Sterling:** In my absence last Thursday, the member for Nepean (Mr Daigeler) took it upon

himself to ask a question with regard to a pamphlet which I have put out in relation to amendments to the Trespass to Property Act.

I want to make it clear to every member of the Legislature that the amendments not only affect shopping malls, which has been the popular belief of most of the press, but also affect our public libraries, our recreation grounds, our retail stores, our hotel lobbies and any other area into which the public is normally invited. This bill takes away all the discretion in the hands of the people who are in control of those premises to exclude people whom they do not want in those particular areas.

What this means is that if a small retail store proprietor notices three or four young people gathering in the back corner, he has no right to ask them to leave, because they have done nothing to contravene a rule which he has posted or given them notice of. This is the problem with Bill 149 as it now stands. That is why business in general is rising up against this bad piece of legislation. The bill goes much too far. It takes in a wide range of different areas, including shopping malls, which it originally was intended to address.

1340

### ESSAY CONTEST

**Mr Owen:** Following my election in 1987, I initiated an essay contest for grade 7 and grade 8 students in my riding of Simcoe Centre. The purpose of this contest is to heighten the awareness of these students to the long and colourful history of Simcoe county. The essays are to describe locations, persons or events of historical significance. A cash prize and a visit to the Legislature, accompanied by their parents, are awarded to the winners.

Last year's winner was Julie Ford of Forest Hill School in Midhurst. Her essay was about the Midhurst pioneer cemetery. Julie is a great-granddaughter of Ernest Charles Drury, Ontario Premier from 1919 to 1923 and head of the United Farmers of Ontario. His father, of course, was the first Minister of Agriculture 101 years ago.

This year's winner is Megan Gariepy, a grade 7 student at St Marys school in Barrie. Her essay, entitled *The Place to Go*, is a wonderful story that describes the historic Grand Trunk Railway station in Allandale at the south end of Barrie. We hope the station will be successfully and well restored in the near future.

I would like to extend my congratulations to Megan on a competition well done, and I would



like to thank all of the students who made an effort to participate and the teachers who took the time to act as judges of the competition.

Megan Gariepy is here today in the members' gallery with her parents, Steve and Lynn, and her brother, Michael, and I congratulate them.

#### HAROLD WILLIAM WALKER

**Mr Kormos:** I wish to pay tribute to Harold William Walker of Welland. Mr Walker passed away last week on Thursday at the Welland County General Hospital. Although born in England, Harold Walker came to Canada as a young child and lived all of his life in the city of Welland.

Mr Walker became active in public service when he was elected a Welland city councillor in 1942. He then served as mayor of the city of Welland from 1946 to 1947. In 1948, Harold Walker was elected to this Legislative Assembly, where he served as a member of the opposition during that Parliament.

Mr Walker's reputation was that of a straight shooter, someone who did not mince words and who called it the way he saw it. When one reviews Hansards of that Parliament, one reads of Harold Walker's arguments for improved benefits for injured workers and of his support for a nurses' association—an association, in his words, like that of any other labour or professional group.

Mr Walker, 40 years ago, recognized the great tourist potential of the Welland riding—

**The Speaker:** The member's time has expired. I am sorry to have to cut the member off, but the standing orders do have an allotted time. That completes the allotted time for members' statements.

**Mr Reycraft:** On that point, Mr Speaker, I was advised earlier by the whip for the official opposition that there would be unanimous consent requested this morning so that all parties could comment on the passing of Mr Walker. Perhaps if we could get consent now, the member for Welland-Thorold could complete his statement and the other two parties would be allowed to make some comments as well.

**The Speaker:** Is the request for unanimous consent agreed to?

Agreed to.

**The Speaker:** Does the member have any further comments?

**Mr Kormos:** As I indicated, Mr Walker passed away last week on Thursday 6 July at the Welland County General Hospital. Although he

was born in England, he came to Canada as a young child, living all of his life in the city of Welland.

He became active in public service when he was elected a Welland city councillor in 1942. He then served as mayor of the city of Welland from 1946 to 1947. In 1948, Harold Walker was elected to this Legislative Assembly, where he served as a member of the opposition during that Parliament.

His reputation was that of a straight shooter, someone who did not mince words and who called it the way he saw it. When one reviews Hansards of that Parliament, one reads of Mr Walker's arguments for improved benefits for injured workers and of his support for a nurses' association—an association, in his words, like any other labour or professional group.

Mr Walker, 40 years ago, recognized the great tourist potential of the Welland riding and spoke of the large numbers of persons with millions of dollars who travelled through Welland riding, which Mr Walker called the gateway to tourists to this province.

From 1956 to 1970, Mr Walker continued his contribution to his community with his service on the local hydro commission. For several years, he served as its chairman. He served on the board of the Welland County General Hospital and he was active as a member and president of the Welland Optimist Club.

Throughout his impressive life of community activity, Mr Walker actively participated in the highly successful family business, Walker Brothers Roofers. His public contribution earned him the respect and trust and affection of his community.

I know that all of this House will join me in expressing our sincere condolences to Mr Walker's wife, Margaret, and to his children, Dr W. J. Walker, Donald Walker, Mary Wilson and Muriel McGarry.

**Mr Brandt:** I want to join with the member for Welland-Thorold in offering my condolences as well to the Walker family on the passing of Harold Walker, a gentleman who served at two levels of government, as an alderman for many years, as my colleague pointed out in his remarks, and also as the distinguished mayor of Welland, and then in this House to serve for some three years, from 1948 to 1951.

His passing at the age of 82 will be felt by many who knew this particular gentleman as one who was a very honest, straightforward politician who I believe could be exemplified by the phrase "a servant of the people." He served his



people well for a number of years, not only in the world of politics but also as a member of a service club where he performed ably as a contributing member of the Optimist organization.

On behalf of my party, I want to express my condolences to all of the members of the Walker family and wish them well in this time of mourning.

**Mr Dietsch:** It is with mixed emotions that I rise on behalf of the government and join with my colleagues from the opposition and the third party in paying tribute to Harold William Walker.

I think it has been said that Joe, as he was affectionately known, served his community well, not only with his community service through a number of service organizations such as those that have been listed by my colleagues, the Optimist Club and others, but always paid particular tribute to his community in the service he gave to the municipal government, the service he gave to his mayor's position and also as a member of this Legislature. All my colleagues join with me in recognizing that Joe gave unselfishly of himself so that the constituents in the Welland area would be better represented.

It is with those few words that I join with my colleagues in wishing his family—his wife, Margaret, and their two daughters and two sons—our best wishes at this very difficult time they are going through.

It is noteworthy to recognize that even in his passing, he continues to serve his community by wishing that memorial donations be made to the Welland hospital. I think that speaks well of the type of service that Harold William Walker put forward for the area that he represented so well.

I can say that he will be sadly missed by all those who knew him, and certainly I join with all those in this House in offering our condolences to his family at this time.

**The Speaker:** I am sorry; I was not informed that there was going to be unanimous consent and I apologize to the member for interrupting his remarks. As usual, on behalf of all members, when Hansard is printed, I will make certain that the Walker family receives a copy and your words of sympathy.

1350

## STATEMENTS BY THE MINISTRY

### ENERGY EFFICIENCY

**Hon Mr Wong:** I am pleased to announce that the first regulations under the Energy Efficiency Act have been passed. These regulations estab-

lish minimum efficiency levels for six electrical appliance groups. They apply to ranges, clothes washers and dryers, dishwashers, ground-source heat pumps and water heaters.

As many members will recall, in the November 1987 speech from the throne this government made a commitment to encourage greater energy efficiency and conservation in Ontario. The Energy Efficiency Act, which passed unanimously in this House, represents one important way the government is fulfilling that commitment.

These regulations, and those that follow, will ensure that Ontario consumers have access to energy-efficient appliances which will, in the long term, reduce their energy bills.

This act and these regulations are an important component of this government's energy demand management policy. It is a policy which will provide significant benefits to the people of Ontario. For example: it will help reduce the negative impact energy use can have on our environment; reduce our provincial energy bill and free up money for more important initiatives, like health care and education; help reduce individual energy bills and thus increase consumer spending power, and by using less energy to produce our goods and services, we increase our industrial competitiveness.

The performance standards for these regulations were developed with the help of many industry and consumer groups. As well, these standards comply with those already set by the Canadian Standards Association. For water heaters the regulations come into effect on 1 October of this year. The other five appliances must comply by 1 January 1990. The energy savings achieved once the regulations become mandatory will be considerable.

For example, water heaters built to comply with the new standards will use 20 per cent less electricity to keep water hot than water heaters sold today. This will result in savings of 35 million kilowatt-hours for the province next year. The annual saving in the year 2000 will be 180 million kilowatt-hours. That would be worth \$9 million at today's electricity prices.

Performance standards are now under development for refrigerators, freezers and gas boilers and should be ready by the fall. Standards for other appliances will follow in 1990.

As I have said many times before in this House, demand management through conservation and energy efficiency is one of my top priorities. It is the cornerstone of this government's energy policy.



I am therefore very proud of this legislation. It is the first of its kind in Canada and establishes Ontario as a leader in the area of energy efficiency and conservation.

It will provide permanent structural improvements in the way we use energy in this province. As such, it is another significant step on the road to ensuring a secure energy future for Ontario.

#### RED MEAT INDUSTRY

**Hon Mr Riddell:** As members of the House may recall, I made a commitment earlier this year to this province's beef industry that I would introduce a new initiative to assist red meat producers in Ontario.

This commitment came in response to another recommendation put forward in the Beef Marketing Task Force Report. The task force was made up of members of the beef industry who last year released recommendations for improving their industry.

This commitment was confirmed in the recent budget of the Treasurer (Mr R. F. Nixon), where \$55 million was promised for a new red meat producer program. Today I am pleased to announce details of this program, called Red Meat II. Red Meat II will enhance and encourage the continued implementation of techniques initiated by the earlier red meat plan.

Key new components to Red Meat II are the inclusion of meat goats in the program, a product quality assurance program supported by laboratory analysis, additional inspections and a farm business management association and analysis program.

Other program components of Red Meat II include an increase in research funding to \$6.5 million over five years, enhanced technological transfer in preventive herd and flock health programs, nutrition programs and genetic evaluation programs.

Red Meat II is designed to assist up to 25,000 Ontario red meat producers to meet the challenges of changing global market forces and to continue providing products that meet changing consumer tastes.

Red Meat II was developed in consultation with representatives of the beef, sheep and meat goat industries and their organizations. Producers will continue to be involved in developing program details through producer advisory committees. I will be announcing the members of the committees in the near future.

I am pleased that we could respond to the needs of this sector of the agriculture and food industry which contributed some \$1.1 billion in

farm cash receipts to our economy in 1987. Red Meat II represents my ministry's and this government's ongoing commitment to ensuring the continued competitiveness of our agriculture and food industry.

#### RESPONSES

##### ENERGY EFFICIENCY

**Mr Charlton:** I would like to take a few moments to respond to the statement by the Minister of Energy (Mr Wong) this afternoon on the first regulations out of the Energy Efficiency Act.

On the one hand, I think we are happy to finally see some of the regulations in this act that we passed over a year ago. On the other hand, the indications in the minister's statement this afternoon do not make us totally happy.

First of all, it is important to notice that the limited list of household appliances for which we are now seeing standards is the list that works from the bottom end of the potential towards the top instead of starting with those appliances where we can see the most energy savings fairly quickly.

Second, by the fact that although the minister has not provided us with all of the standards here in his statement but the fact that these standards are going into effect so quickly, the indication is very clear, especially with the example the minister provided us with on hot water heaters, that on the one hand we have opted for improved efficiency and, on the other hand, we have opted for far less than the technical potential that already exists out there in the real world and is well proven.

In effect, we are selling the people of Ontario short in terms of energy efficiency in the short run and as well we are ignoring what the select committee tried to say as clearly as it could to the minister. The major jurisdiction to the south of us, the United States, is implementing federal efficiency standards that will cover all of the United States and, therefore, cover as well most of the companies that have subsidiary plants here in Ontario and Canada that build the appliances here.

As the select committee tried to recommend to the minister, we should be ensuring that our standards are at least equal to those south of the border that we will be in competition with, or we will put our appliance industry in the future in serious jeopardy, even if it is now lobbying against moving too quickly. When the American standards come into effect in 1994, our industry will be left so far behind that many of our fears



around free trade questions will be fears that become realities here in Ontario because we are opting for less of a standard than what we should be.

### RED MEAT INDUSTRY

**Mr Wildman:** If I did not know better, I would think the Minister of Agriculture and Food (Mr Riddell) has become too enamoured with Hollywood's penchant for sequels. We have had Rocky II; perhaps this is Porky's Revenge.

With Red Meat II the minister has not even come up with a new program. Essentially what he is announcing is the inclusion of meat goats and the additional funding, but in essence he is really announcing that he is going to appoint the advisory committees. I suppose with the concentration on scientific effort this might be Star Trek IV.

The campaign on red meat, when the red meat vote was going to take place, identified a number of major problems in beef marketing. There were significant differences of opinion among beef producers as to how those problems should be met and, of course, with the vote there was a significant majority deciding not to opt for anything that might lead to a supply management program in Ontario and across Canada.

That did not mean that the producers who voted that way said there were no problems. There are significant problems in beef marketing, particularly in Ontario, and I hope that the minister's advisory committees will be able to come up with some proposals that the majority of producers can agree upon for improving the marketing of beef, to ensure that beef producers in this province, as well as other red meat producers, not only have their costs of production covered when they go to market but indeed get a fair return on their labour and investment.

1400

### ENERGY EFFICIENCY

**Mr Cureatz:** I would like to respond also to the statement by the Minister of Energy (Mr Wong). Of course, now that I see that the Premier (Mr Peterson), the leader of the official opposition and my own leader are here, on behalf of all the backbenchers in all the parties, we are so pleased to be here on this lovely summer's afternoon. I only wish the three of them could get together and discuss some aspects of how the assembly should be run.

I say to the Minister of Energy, it is an interesting statement. I do not know if it particularly warrants a statement to come and tell

us and all the people of Ontario that he is bringing forward the regulations. Be as it may, he has brought it forward. Let's take a look at what he has to say.

I think it is worth while. All of us here are in favour of conservation. Indeed, my colleague the member for Hamilton Mountain (Mr Charlton) from the New Democratic Party, certainly in the number of years he has sat on the various select committees on energy, has led the forefront in terms of stressing, to our party when we were in power and now to this present administration, the concerns all of us have about energy conservation.

I want to tell the members that, as they have been following some of my questions through the last dying weeks of this Legislature—we hope—there is an overall concern about energy conservation. I think that the government's targets for energy conservation are far too ambitious. This is at least a small show, an attempt to indicate that, "Yes, we are trying to conserve our electrical energy."

But as the minister well knows and will be seeing shortly, I am sure, from the demand-supply options study that will be coming forward this fall from Ontario Hydro, as he has been telling us continually, we are going to be needing another major electrical supply plant of some sort somewhere in Ontario.

We all know the length of time that one of those takes to be built. I can think of Darlington in my own riding of Durham East. It started when I was first elected, late in 1977, and the first unit is only coming on stream in another two or three months. That is the kind of time length we have to talk about.

When the minister is going to be looking and projecting into the future, in terms of what we will be needing for electrical consumption in the province, he does not have it there. I have been telling him that this government is going to have to make a very major decision. I know that they are trying to postpone it until the next election, because if memory serves me correctly—

**Mr Ballinger:** Sam's got a crystal ball.

**Mr Cureatz:** Well, I am glad we have got a few backbench Liberals waking up, finally. I know it is hot outside; well, it is going to get hotter in here, I think, before we finally finish.

I say to the Minister of Energy that he is trying to postpone this and he is not going to get away with it, because we are going to be having brownouts before the next election and he is going to be held responsible. These kinds of initiatives are only a small token of what is going

to have to be taking place in his administration before the next election.

### RED MEAT INDUSTRY

**Mr Sterling:** I want to respond briefly to the announcement of the Minister of Agriculture and Food (Mr Riddell) on the red meat plan. We have been waiting since 31 March of this year to find out what the replacement would be for the five-year red meat plan which was put in place by the former government.

Many of the producers in my area and in eastern Ontario were extremely concerned when this government particularly failed to continue the monetary mechanism in order to keep the quality of breeding up in the beef herds in eastern Ontario.

Interjections.

**The Speaker:** Order.

**Mr Sterling:** The announcement itself is very brief and scant in detail as to what in fact the research funding will be used for. In talking to members of the Ontario Federation of Agriculture in my riding not two weeks ago, they outlined their concern about a lack of a red meat program and a lack of funding by this government, not only in the red meat sector but in other areas; for instance, in the property tax rebate program.

The red meat industry in our province is in trouble. That was recognized last summer by the beef packers and was brought to this government's attention. I think it is encouraging that they are now taking some action, albeit late, and we look forward to seeing the details of this program and hope that they will follow in some of the footsteps and successes that we had in the former five-year meat program put in by the former government.

### ORAL QUESTIONS

#### INVESTIGATION OF HOUSING MINISTRY OFFICIAL

**Mr B. Rae:** I would like to start today with some questions to the Minister of Housing. The public was informed on Friday by a newspaper, not by the minister or by the ministry, that Mr Goetz-Gadon, who had been the minister's executive assistant as well as that of her predecessor, the member for Scarborough North (Mr Curling), had been suspended. But he was not suspended last Friday; he had been suspended for over a week.

I wonder if the minister can explain how it would be possible that a senior policy adviser to

the Ministry of Housing would be suspended for a week without the public or the Legislature being informed.

**Hon Ms Hošek:** I am very glad to be able to answer the question for the member.

On 29 June, I was advised of some allegations about this individual and launched an internal investigation. On 30 June, this individual was suspended. My deputy then consulted with lawyers at the Ministry of the Attorney General and also with legal counsel and legal counsel with Mr Goetz-Gadon and his counsel.

The allegations were determined to be not frivolous, as Mr Brown from the Attorney General's ministry has said. We were advised by the Attorney General (Mr Scott) that the matter should be turned over to the police and we felt it was appropriate at that time to issue a public statement.

Let me say to the member opposite, and I assume he knows this, that under normal circumstances when there is an investigation of this sort and a suspension of this sort, it is not made public. We decided it was important to make it public in these circumstances because of the rumours and allegations that fly about about various matters, and I believe we did the right thing.

**Mr B. Rae:** If I may say so very directly to the minister, what she has said is nonsensical. If there is a police investigation of a senior employee of the government of this province, is the minister suggesting for a moment that the public is not entitled to be told that there is such an investigation and that an employee has been suspended?

A suspension of an employee is a public act by this government. It is not some private decision by the minister, some deal between the minister and the employee. It is something which is determined as a public act.

I want to ask the minister again, why did it take her eight days and the fact that the information became public and went to the Toronto Star before her ministry even issued any kind of a statement as to why Mr Goetz-Gadon had been suspended?

**Hon Ms Hošek:** Let me make it clearer. This is a very serious matter and I am interested in sharing this information as fully as I can. As I said, the allegations were investigated for a number of days. When we were advised by the Attorney General's office that the matter should be turned over to the police, we also issued a public statement so that it would be apparent to everyone what we had done.



Let me also say to the member opposite, and I am sure he is concerned about this matter, it is important to respect the basic civil rights of any employee in this province. If we had not acted to protect the employment rights of the individual in question, I am absolutely certain that the Leader of the Opposition would be standing in this House right now denouncing me for not protecting the employment rights of the individual in question.

Allegations have been made. A full investigation is under way. When the results of that investigation are complete, appropriate action will be taken.

1410

**Mr B. Rae:** The minister decided on 30 June to suspend Mr Goetz-Gadon. That is a fact. One does not suspend an employee on frivolous grounds; one suspends an employee for reasons. One has to give the employee reasons for suspending him or her. This is well before the police investigation.

Is the minister now in a position to tell us the nature of the allegations that have been brought against Mr Goetz-Gadon?

**Hon Ms Hošek:** There are two things that we had to do here. One was to protect the public trust and the other was to protect the legal rights of the employee. All the allegations will be fully investigated.

**Mr D. S. Cooke:** You won't even tell us what they are investigating. It looks like there are lots of barriers.

**Hon Ms Hošek:** He is asking questions from both sides of his mouth, I say to the Leader of the Opposition, and I am trying to answer them.

The allegations are being investigated. When the results of those investigations are available, we will follow an appropriate course of action. I have been advised by the Attorney General's office that it is not appropriate for me to comment any further until those investigations are completed.

**Mr B. Rae:** It is interesting that the Premier's own conduct with regard to many of the minister's colleagues is completely different from—

**The Speaker:** Thank you. You have a question to which minister?

#### ENVACC RESOURCES INC

**Mr B. Rae:** I have a question to the Premier. The Premier has told us in the House that, when he met with Envacc Resources Inc, he did not realize that Mr Muzzo had appeared before the

Waisberg inquiry back some 15 years before and had been quoted as saying that the only time bribery worried him was when it did not work—the testimony before the commission. The Premier stated he had no idea that Mr Muzzo was involved in the purchase of his family's company.

Since the Premier did not have any idea about either of those things, according to his statements in this House, I wonder if can he tell us whether he had any idea at that time as to how lucrative the contract would be between whoever was disposing of Metropolitan Toronto's garbage, the garbage of the greater Toronto area, and the public of Ontario?

**Hon Mr Peterson:** Can I just be as fair as I possibly can be, because I understand the charges that are being made, many of them unfair, and my friend I think has made many that are factually incorrect. There is no contract between anybody on the disposition of garbage. Why does he not stand up and say it? He would try to give the impression that there is a contract. Surely, as a member of the bar and someone who has more integrity in this House, he would want to stand up and say that he understands that no contract has been given by the GTA, the regions or anybody else, to any waste disposal group. Why does he not exercise some responsibility for a change?

**Mr B. Rae:** If the Premier wants to pretend that a contract is not being planned and that there is not something in the works, then I would suggest that he is living in a different universe from the one occupied by most decision-makers in this province.

According to the minutes taken at the meeting of 23 June, it says: "The Premier at one point asked about funding, and you outlined some variety of methods. He wanted to think that one through. He asked, 'Could it be privately funded to Marco?' who said 'Yes' at this point. I outlined the rough cash flow to support Marco."

We now have from the Metro works commissioner, Bob Ferguson, to Metro council a memo dated 5 July which talks about the cost to Metro council alone of an increase in tipping fees from the current \$83 to \$150, in terms of what that will mean for the so-called short-term landfill between 1992 and 1996.

**The Speaker:** To the question.

**Mr B. Rae:** I want to ask the Premier again, did he discuss the costs of this venture in the discussions he had with Mr Muzzo? Did he discuss the question as to whether it would be privately funded and run on a private-profit basis

or whether it would be operated on some other basis?

**Hon Mr Peterson:** Let me tell my honourable friend things he already knows but chooses to overlook. First of all, there is and will be no contract with this government. If in fact there are any contracts in the future, then they will be with the regional municipalities, which have the responsibility for landfill and garbage disposal. Our role is only a facilitating, co-ordinating and helpful one.

Let me say to my honourable friend that no decision has been made on whether to let a contract or whether in fact it is public or private sector or some mix thereof; whether it is the picking up of the garbage, recycling, reuse, or transportation on rail if that develops. Obviously, whatever is done is going to be done in complete scrutiny with a 100 per cent analysis by everyone involved.

There are many—I believe 12—private sector companies that have ideas on how to contribute to this. As my friend will know, there are people looking at every possibility that has been exercised around the world. I am told there are some exciting examples in Italy, Japan and a lot of other countries as countries have to deal with this particular problem. No decision has been made and I am sure the member has read on this matter the views of various regional chairmen, who, with their councils, will make the final disposition, and have a number of views on the private-public sector mix if there is any.

So no decision has been made and his attempt to give the impression that anybody has got a contract that is going to allow them to be privately funded at public expense, I can tell him, is absolutely false. In the interests of intellectual integrity, the member should stand up and admit what he knows.

**Mr B. Rae:** I will take lectures from the Premier of this province on many subjects. Integrity is not among them.

Interjections.

**The Speaker:** Order.

**Mr B. Rae:** The memorandum for Mr Beatty dated 10 August 1988 says, "We now have in Marco and Laidlaw the two most powerful developers in Canada, who recognize that there is more money in burying garbage in land than building urban development on land."

This is the basic policy question that I am asking the Premier of this province to answer. This government is involved up to its eyeballs in this issue. Mr Church and Mr Fleming are

involved in this decision. The Premier knows it, and he knows it perfectly well. If we go to the tipping fees suggested by Envacc, up to \$300 a tonne, does the Premier not recognize that this in fact is nothing more or less than a licence to print money if we give it over to the private sector? It could be as much as \$1.5 billion for the contingency land site alone.

Why not make a clear and categorical statement that the disposal of garbage in southern Ontario will be handled on behalf of the public by the public and not by private developers on behalf of their investors?

**Hon Mr Peterson:** My honourable friend read that memo last week and it gets him very excited if he sees anything about the private sector one way or the other. He uses all these emotive words such as profit, making profit and things like that. He uses a bunch of figures that have no support whatsoever: that it might go to \$150 a tonne or \$300 a tonne. Why does he not say \$500 or \$1,000 a tonne? There is no substantiation for anything he has done. No specific proposal, to the best of my knowledge, has been put forward and no contract in any way has been concluded.

Now I just say this to my friend, because I think he understands us: Is it not impossible that there could be some sort of a mixture? For example, what are people going to do with the recycled materials at the end of the day? Are they going to use the private sector or the public sector to dispose of those? I do not think there has been any conclusion to those kinds of matters, but he would want to write that out completely as opposed to letting anybody look at, in an intellectually honest way, all of the alternatives available.

If and when a contract is going to be let or a tender applied for, he will get a copy of that and he can look at it and make his judgements about whether it is right or wrong. He can look at whether the financing is public or private sector, and he can suggest how to raise taxes to do this, how to do it in tipping fees or how to finance it in the long term. Obviously any contract of this size—and frankly at this point nobody knows for sure if any of the regions are going to participate and if so how—will be scrutinized by every politician including himself, by the public and private sectors, and everyone will have his view. He will have had an opportunity to canvass the world and bring his constructive wisdom to bear on this matter.

But I say to my friend he is continuing to be completely unfair in trying to give someone the impression that some contract has been awarded,



some windfall to someone, when in fact that is not the case. I think my friend, who usually uses better judgement in these matters, should continue to remember his responsibilities.

1420

#### INVESTIGATION OF HOUSING MINISTRY OFFICIAL

**Mr Brandt:** My question is for the Premier as well. If I might, I want to revisit for a moment the Goetz-Gadon matter that was spoken of earlier in the House by the Minister of Housing (Hon Ms Hošek).

We are informed that the Minister of Housing became aware of certain allegations with respect to Mr Goetz-Gadon on 29 June and action was taken by the minister on 30 June. It was fully a week later before this matter was released publicly or before any information came out in connection with the reasons for the suspension of Mr Goetz-Gadon. Considering the substantial interest in Tridel Corp and the Ministry of Housing at the moment, and certain allegations that relate to those associations, could the Premier indicate whether a week's delay is appropriate under the circumstances?

**Hon Mr Peterson:** The minister can help my honourable friend with all of the circumstances pertaining to that.

**Hon Ms Hošek:** Let me tell the member opposite that when I received these allegations, I took them very seriously. I immediately contacted the people on my staff who really had to take on the responsibility of checking into them. On 30 June they indeed began this investigation to find out what they could find out. The individual in question was suspended on that day and conversations continued between the deputy minister and his legal adviser, together with Mr Goetz-Gadon and his lawyers.

That discussion went on for a while. If the member will recall, 30 June was a Friday and the long weekend intervened. That discussion went on for a while.

It became clear that the Attorney General's office was going to give us the advice that we really should take this to the police so that the police would investigate further. That is the point at which we decided it was appropriate to make it public. We did make it public. At the moment there is an investigation going on. When further information becomes available, we will act on that information.

**Mr Brandt:** I would like to advise the minister that on 6 July, about a week following the information that came to her attention, my House

leader, the member for Nipissing (Mr Harris), did in fact receive information regarding the activities and the allegations surrounding Mr Goetz-Gadon and he took what I consider to be the appropriate action. At that time he did two things.

First, he referred the matter to the antirackets squad of the Ontario Provincial Police, and second, he went to the Deputy Premier (Mr R. F. Nixon), who was in the House at that time, shared the information with the Deputy Premier and advised him that these allegations had come to our attention.

Does the minister not think the same kind of courtesy could have been extended to the members of the opposition as we extended to her under the circumstances?

**Hon Ms Hošek:** We began this internal investigation almost instantaneously after we got the information, the allegations that were shared with me.

It is important to respect the basic civil rights of any employee in this province, and I think that is a very important position to take. The individual was suspended and further investigations went on. It was only at the point at which it became clear that we were going to have to go the next stage and have the police continue with this investigation that we thought it was appropriate to make it public, as we have. I believe we acted in accordance with our responsibility for the public trust; also our responsibility not to undermine in any way the employment rights of the individual in question.

The members of the public service in this province are people of integrity, as are the people in this House. We are talking about someone's livelihood and someone's life. I think it is appropriate to treat that carefully. This person was in fact suspended and the work to investigate the allegations was begun immediately. At the point at which we decided that the police had to be brought in, we made that public so that everyone would know about it.

**Mr Brandt:** Perhaps the minister could indicate to us whether it is the OPP or the Metro Toronto Police that she called in, and second, what are in fact the terms of the suspension. Does she feel the suspension was based on concrete circumstances that give her justification for the suspension, because obviously that is the action that she has now taken, and is she prepared to share any of that information with the House at this time?

**Hon Ms Hošek:** As Mr Brown of the Attorney General's office has said, the allegations were

determined not to be frivolous, but I really do not think it is appropriate for me to say any more about that at this point. The advice we have from the Attorney General's office is that it would be inappropriate to give the member any more information than that pending the fuller investigation. I have to respect that advice, which is legal advice to me, and I intend to.

#### SALE OF PREMIER'S FAMILY BUSINESS

**Mr Runciman:** My question is to the Premier. Last week he told the House that those who negotiated the Peterson-Avinda deal were not aware when they signed the deal that Marco Muzzo had an interest in Avinda Video Inc. Such a version of events is not consistent with the known facts and is not credible.

Avinda was on the verge of financial failure six months before it approached the Petersons to complete the \$9.7-million purchase. No knowledgeable vendor would ever talk to such a purchaser until it revealed a substantial backer, who in this case was Marco Muzzo and his company.

Is the Premier prepared to go back to those who negotiated the deal, confront them with the facts and find out when they first knew Marco Muzzo was involved in the deal?

**Hon Mr Peterson:** I am willing to take any kind of analysis the member thinks is appropriate. As I said to my friend, why does he not refer it to the Conflict of Interest Commissioner, because he has some version of the situation?

I can tell my honourable friend that the facts he presents in this House are not facts that I am aware of. As a matter of fact, from what I have heard, my guess is that they would stand up again and say he is wrong. However, he continues to do that in this House and to make groundless allegations, but I say to my honourable friend I am told it was a letter of credit from the bank that supplied the financing for the situation.

**Mr Runciman:** This is a much broader issue than conflict and we have asked Justice Evans for a ruling on jurisdiction.

As part of the sale, Mr Muzzo's company, Consolidated HCI Holdings Corp, agreed to lend \$3 million to the Peterson family company. Now \$3-million participants in a transaction do not come out of the blue, they are obviously connected to the deal. Is the Premier telling this House that his family company agreed to a \$3-million loan from a company that was not the purchaser and never found out who controlled this lender before they signed the deal?

**Hon Mr Peterson:** I was not part of the deal, as I told my honourable friend, but again I say to him I have no problem with this at all and he should refer all his suggestions, his allegations, to the Conflict of Interest Commissioner and I will instruct my trustees to give him all the information that they have available. Then the member can satisfy himself that, again, he is into waters that are not correct or he is making allegations that are foundless.

**Mr Runciman:** If the Conflict of Interest Commissioner has jurisdiction, we will certainly do that, but we do not intend to limit it to that; as I said, this is a much broader issue.

The real issue here is that the Premier's company should never have been sold to someone like Marco Muzzo who has so much business he wants to do with the province and so little appreciation of the need for public officials to appear objective. The Premier's answers raise more questions than they resolve.

Is the Premier prepared to make all the facts public about this deal and clear the air? Does he have any compelling reason not to disclose everything about this deal right now?

**Hon Mr Peterson:** I have no reason, and that is why I say to the member I am happy to turn it all over to the Conflict of Interest Commissioner, a public official who is responsible to this House, to look at every single detail. I have no problem with that, but does the member have a problem?

What I would like him to do is to stand up and go with his allegations and stand up and make these charges public. Then they can prove that my friend makes foundless allegations constantly in this House and that he demeans being a member of Parliament in this province.

#### MARLENE DELZOTTO

**Mr Kormos:** I have a question of the Premier. Don Smith, of the Ontario Liberal Party, sent out an invitation a couple of months ago inviting people to participate in the "second major event of 1989," and that is a gala performance of the Phantom of the Opera. He did not know at the time that the second major event of 1989 for the Liberal Party was going to be the Houlden inquiry, but what he did indicate was that Marlene DelZotto was going to be the chairperson of that "mammoth fund-raising event."

Could the Premier tell us whether Marlene DelZotto is indeed still the chairperson of this fund-raiser, at \$200 a ticket, at which the Premier and his caucus are going to be present?

**Hon Mr Peterson:** She was at that point, but she has withdrawn, obviously.



**Mr Kormos:** I suspect it was not because Patti Starr was available.

I wonder if the Premier would tell us what he did or what other members of his government did to effect the withdrawal of Ms DelZotto and why.

**Hon Mr Peterson:** What does the member think? It is 20 questions. Why does the member not take a guess at it?

1430

### NEONATAL CARE

**Mr Jackson:** I have a question for the Minister of Health. Last week I raised on several occasions the growing crisis of neonatal intensive care beds in this province.

I would like to raise with her the near-tragic case of John and Peter Sharp who were born seven weeks prematurely last Friday morning at St Joseph's Hospital. Even though there was a perinatal bed available at Chedoke-McMaster Hospitals for the mother, they could not accept her because there were no neonatal beds for the new infant children when they were born. The doctors struggled for four hours to save the babies' lives. One twin was manually ventilated while the only available ventilator was used to save the other child. The ambulance was dispatched and it was discovered that the heating and ventilating systems in the incubator were not working.

Mr and Mrs Sharp, in their anger and helplessness, watched for four hours as doctors tried desperately to ventilate their two children. They asked that the minister be asked one simple question: Do we have to lose one or two babies before the government realizes the crisis we are facing with neonatal intensive care beds in this province?

**Hon Mrs Caplan:** I do not think there is a service that is as important as far as acknowledging Ontario's world leadership is concerned than both perinatal and neonatal services in Ontario.

We have developed a system within the province. You have to make a choice to either centralize all your services in one place or develop a network of services across the province so that people have those services even closer to home. At certain times, any one of those centres can be stressed, but we know that services are available at another centre nearby. There are 13 hospitals providing perinatal services. We always prefer to have the mother and the baby as close to home as they can be, of course, but a very significant network of land and air ambulances ensure that the mother in a high-risk

situation is delivered in a hospital that provides that very intensive, specialized service.

I would inform the member that St Joseph's Hospital is not one of those hospitals. Centres are located not only in Hamilton, but in Toronto, Kingston, Ottawa, London, Windsor, Thunder Bay, Sudbury, Sault Ste Marie and so forth. I would say to him that the network of those services attempts to ensure that women in high-risk situations—and in premature birth, you never know when the delivery is going to occur—have access to the service they need close to home.

**Mr Jackson:** It is clear to these women who have high-risk pregnancies that the choices the government is forcing them to make are putting their babies at risk.

I would cite a second example for the minister. Two days later, on Sunday morning at 7 a.m. twins were born 10 weeks prematurely in West Lincoln Memorial Hospital in Grimsby and doctors began a frantic effort to save their lives. The doctors called for two ambulances to get them to Chedoke-McMaster. The dispatcher on the other line from the ministry said, "No, we will only send you one ambulance because if we send two, there will be no ambulances in the greater Hamilton area." They suggested that an ambulance be called in from Niagara Falls and the doctor suggested that the Ontario Provincial Police be called to see if they could help. They dispatched a truck to the hospital with a neonatal nurse and an incubator. They dispatched an OPI truck down to the Grimsby hospital. The fact is it took four hours to get those children at risk into Chedoke-McMaster.

**The Speaker:** The question?

**Mr Jackson:** Those Band-Aid approaches are unacceptable for saving the lives of newborns. So my question is—

**The Speaker:** Thank you very much.

**Mr Jackson:** —why is the minister forcing doctors to make high-risk and desperate arrangements to save these newborns simply because she refuses to accept the growing number of high risk births occurring in our province?

**Hon Mrs Caplan:** I would say to the member opposite that we rely on expert advice as to what the total capacity within the system should be. At the present time, we are surpassing the capacity that was recommended.

**Mr Jackson:** No, that's perinatal; we're talking neonatal.

**The Speaker:** Order.

**Hon Mrs Caplan:** That does not mean that at any one time we do not have a situation where one is stressed. I can tell him we are always reviewing. We are working closely with the hospitals to determine what the needs might can be.

**Mr Jackson:** Not according to Hansard. You said they—

**The Speaker:** Order.

**Hon Mrs Caplan:** I want to assure him that as we work with the hospitals, we want to make sure we have—

**Mr Jackson:** Don't assure me; assure them.

**The Speaker:** Order. I do not think the member really wants the response.

Interjections.

**The Speaker:** Order. Do you remember standing order 24(b), that when a member is speaking, no other member shall participate, except on a point of order?

**Mr Jackson:** She is contradicting Hansard.

**The Speaker:** Order.

#### AIR QUALITY

**Mr Owen:** I have a question for the Minister of the Environment. Recent studies on the effects of smog, particularly ozone, have shown that serious lung injury may be inflicted by this type of pollutant. We are all aware of how under certain weather conditions smog seems to accumulate in the more urban areas of our province. Could the minister share with the House what his plans are to reduce and, if possible, avoid these occurrences that seem to be happening more and more often in recent years in this province?

**Hon Mr Bradley:** It is an excellent question. I thank the member for indicating to me that he would be asking me this question today. I wish that were the case all the time.

I want to indicate first of all that we deal with a lot of smog in this area that in fact comes from areas other than Ontario, particularly from the Ohio Valley. But there are a number of initiatives the ministry has undertaken to combat the effects of the buildup of low-level ozone in Ontario. The member will recall the announcement on 21 June of the lowering of the levels of volatile organic compounds allowed in summer-grade gasoline. Of course, that reduces the evaporation from a car's fuel tank. The things that are evaporating are the chemicals that form smog. We estimate that Ontario-generated smog from such formation will be reduced by about eight to 10 per cent.

On 31 May 1989, I announced a province-wide ban on apartment building incinerators, which also make a contribution. They have a number of pollutants that were coming into the atmosphere. In 1987, I adopted a policy of placing all private-sector, energy-from-waste facilities under environmental assessment to ensure (1) that the best available technology is applied, and (2) to ensure there is full scrutiny of it. The Countdown Acid Rain program is extremely important as it reduces by 60 per cent the emissions of sulphur dioxide—

**The Speaker:** Thank you.

**Mr Owen:** People calling me are concerned about the health aspects of pollution, but they are also concerned about how they can determine on any given day how bad the situation is and how desperate the situation might be. They are asking how they can determine the quality at any given time and get accurate information, and what to do about it. I wonder if the minister could give us advice on that.

**Hon Mr Bradley:** In giving the advice, I would indicate first that the Minister of Energy (Mr Wong) made some comments today in the House regarding energy conservation that will contribute positively to the air quality in the province.

My ministry distributes an air quality index several times daily to the news media and that is often quoted on the electronic media and appears in the print media, as well as on those stations on cable television that indicate weather all day long. Concerned members of the public have access to that, as well as a direct call to the Ministry of the Environment at a local office.

Over the long term, my ministry publishes air quality reports for areas of the province that indicate whether or not there has been an improvement in a specific area, and what actions might be taken to improve upon not only the mobile sources I have made some reference to, but the stationary sources at the same time.

We expanded that air quality index reporting last year. We will continue to make it available to people this year so that they will be able to take all necessary action if they have specific problems. Of course, our ministry can initiate certain actions as well.

#### WORKERS' COMPENSATION

**Miss Martel:** I have a question to the Minister of Labour concerning Bill 162. The minister will know that again today injured workers are here, outside, protesting Bill 162. At the press conference this morning, Don Comi, who is the



president of the Welland and District Injured Workers Group, reiterated again that for the first time in the history of workers' compensation reform in this province, this ministry is proceeding with changes that are bitterly opposed by the people it is supposed to protect.

That was no more clearly demonstrated than during the course of public hearings, when trade union groups, injured workers' groups and labour groups said with one voice, "This bill should be scrapped." Why is the Minister of Labour proceeding with this bill in the face of all this opposition from all these groups?

1440

**Hon Mr Sorbara:** A good deal of the so-called opposition that my friend the member for Sudbury East refers to seems often to vanish when, in so many cases that I have experienced, I have had an opportunity to sit down, one on one or with groups, and explain what is in the bill in terms of vocational rehabilitation.

Extremely important: what is in the bill in terms of the reinstatement rights, only the second province in Canada; what is in the bill in terms of the guarantee of benefits for one year after the accident; what is in the bill in terms of raising the ceiling on insurable earnings, and indeed, what the dual award system will do and the difference it will make in the lives of the injured workers of the future. Those are the reasons we are proceeding with the bill.

**Miss Martel:** The minister is trying to allege again that the people oppose this bill because they do not understand it, and that is absolutely incorrect. The people who are opposing this bill have worked with workers' compensation and injured workers for years. They have been fighting this fight longer than the minister and I have even been in this place.

I want to ask the minister again, in view of all this opposition, which is legitimate and well founded, why will he not withdraw the bill and send the contents of that bill to the joint management and labour advisory group for it to deal with?

**Hon Mr Sorbara:** If one wanted to render down the real issue here under Bill 162, the real difference of opinion is between those in opposition, represented by the member's party in this Legislature who believe that the current system for compensating individuals with permanent partial disabilities is a good one—

**Mr B. Rae:** Nonsense. That's completely inaccurate. That's rubbish. You just don't

understand anything. If that's what you think you just don't understand.

**Hon Mr Sorbara:** Well, the member should hold on a second. The Leader of the Opposition refuses to listen to this answer.

The people who oppose this bill basically are saying that the system of permanent partial disability with lifetime pensions, the same compensation for everyone with the same injury, the basis that has been established, as a former colleague of the member, the former member for Bellwoods, said—he suggested that as part of the original contract. They have a point of view. It is a valid point of view.

The policy of this government, based on the research that has been done and the experience in other jurisdictions, is that the dual award system as proposed in Bill 162 will be a better, fairer and more equitable system because it compensates not on the nature and extent of the injury, but on the loss in earning capacity that the individual worker experiences after the accident. Experience has proved that is a fairer and more just system for injured workers.

Interjections.

**The Speaker:** Order. New question, the member for Carleton.

**Mr Sterling:** I have a question of the Premier.

Interjections.

**The Speaker:** Order. I think it is time to pause and reflect on why we are here. We are all honourable members. New question.

PATRICIA STARR

**Mr Sterling:** As I indicated, I have a question of the Premier. Last Thursday, the public trustee, Mr Paisley, indicated that the payment of \$5,000 to the mother of one of the cabinet ministers was inappropriate. In light of this official indication that this payment was inappropriate and the fact of the matter that this cabinet minister recommended that this job be given to her mother, is the Premier going to take any action with respect to the conduct of this minister?

**Hon Mr Peterson:** We have discussed that matter many other times in this House and I think I have told the member how I intend to deal with it.

**Mr Sterling:** At some juncture there has to be a decision made. Now that the public trustee of our province has made a determination as to whether this payment was right or wrong, is the Premier satisfied that if he does not take action now he is setting a very low standard for his cabinet?

**Hon Mr Peterson:** The member has made a number of allegations and I understand that. There are a number of payments that have been made by that fund and the police are looking at those right now, both from the donor's point of view and the donees' point of view, and who was aware of this, that or the other thing at any given point in time. I understand my honourable friend's point of view, but there are a number of other allegations that the police are looking into and that the judicial inquiry will be looking into. I think my honourable friend understands that.

### SPEED LIMITS

**Mr Tatham:** My question is for the Minister of Transportation. On the afternoon of Sunday 9 July, driving on Highway 401 between Woodstock and Guelph, I drove my vehicle between 100 and 103 kilometres per hour. Our car passed seven vehicles; 89 vehicles passed us.

Interjections.

**The Speaker:** Order. Will you allow the member to ask his question. Thank you.

**Mr Tatham:** Is the minister committed to maintaining safety standards on Highway 401 by keeping the speed limit to 100 kilometres per hour?

**Hon Mr Fulton:** I was having some difficulty hearing the question because of the interjections of, in this instance, members from all sides of the House. I think that because of his admittance of 103 kilometres per hour to this House, perhaps the member for Oxford and myself should get together later and have a private discussion about continuing to hold his licence.

I can assure the member, and I do appreciate his ongoing interest in safety on the highways—

**Mr Brandt:** Why don't you have your driver call him?

Interjections.

**The Speaker:** Order.

**Hon Mr Fulton:** This is 'guilty with an explanation'.

The member would be aware that we work very closely with the Ontario Provincial Police and other agencies to maintain safety on our highways. I can assure him there is no intention on our part to increase the speed limit on Highway 401.

Interjections.

**The Speaker:** Order. Perhaps the member for Oxford has another confession.

**Mr Tatham:** Are there any areas in this province where there could be an increase in the speed limit?

**Hon Mr Fulton:** The member may be aware that we are indeed looking at a couple of selected locations in northern Ontario, but I should point out that the highway speed limits there are 80 kilometres and we are investigating the possibility of raising it to 90 kilometres in a couple of areas.

1450

### PATRICIA STARR

**Mr B. Rae:** A question to the Minister of Culture and Communications: She will no doubt have read the report of the public trustee that came out on Thursday with regard to the repayment of \$5,000 for the Housing survey. My question to the minister is this. The annotation in Mr Paisley's list—and I have been unable to talk to him because he is on vacation, and no one else in that body is answering questions—refers to a "Housing survey (leadership training)." I wonder if the minister can tell us: Has she yet found this survey and can she tell us what the "Housing survey (leadership training)" really had to do with?

**Hon Ms Oddie Munro:** I have indicated on previous occasions that I have no knowledge of the contract, as far as the details of a survey or report are concerned. Those are allegations in the media and also questions by him. That is all I can say on the matter.

**Mr B. Rae:** I am not referring to allegations. I am referring to a report in the public trustee's office. This is not an allegation; this is a statement in print by the public trustee saying that \$5,000 has to be repaid for a Housing survey on leadership training. This is as a result of a conversation the minister had with Mrs Starr. Her "What? Me worry?" attitude just cannot prevail any longer.

I would like to ask the minister: Where is this survey? She now has had several weeks in which to find and produce it and tell us what it was for. Why has she not taken the interest to inform the House as to the exact details of what was done, since someone now has to repay the \$5,000?

**Hon Ms Oddie Munro:** I believe the details of the work which was done by my mother rests between Mrs Starr and my mother. I believe—the Leader of then Opposition may feel otherwise—that it would put me in a compromising position to conduct an inquiry. We have several well-intentioned, informed boards of inquiry that are doing just that.

### ELECTRICITY DEMAND AND SUPPLY

**Mr Cureatz:** My question is to the Minister of Energy. I notice that there was a session taking



place on 20 June in Sudbury, Ontario's Energy Choices Conference: The Northern Perspective. He, along with one of his cabinet colleagues, was one of the guest speakers at that conference.

I am wondering: Is the minister planning on having any further conferences—one took place in the city of Toronto; he has now had his conference in northern Ontario—concerning energy availability in Ontario, and does he not think he now has sufficient information through this consultation process for his ministry and his government to decide the next major step they are going to be taking in terms of a new electrical energy source?

**Hon Mr Wong:** The energy choices conference the honourable member is referring to was the second such conference in Ontario. The first one was held in the city of Toronto; the one he referred to was held in northern Ontario, specifically in the city of Sudbury; and the third one will be held in eastern Ontario, specifically in Ottawa, in the fall of this year.

Its purpose is to help stimulate discussion among Ontarians at all levels in order to determine the benefits and disadvantages of the different components that fit into our supply and demand of energy system within this province.

When it comes to the northern perspective, I can honestly say to the member that the people who attended the last conference in Sudbury said, "We don't want to be part of the energy problem; we want to be part of the energy solution." I think Ontarians in those areas where we have held these conferences are beginning to speak out now about what they prefer in terms of our energy choices.

**Mr Cureatz:** As the minister is probably well aware, my understanding is that those groups which made representations at that conference in northern Ontario were strongly suggesting that there should be the building of a further nuclear plant in that part of Ontario to supply electricity for the major Sudbury basin and, more particularly, the large industries there.

With that in mind, I would like to ask him again: When is he going to decide where the next major electrical plant is going to be built? Is he willing to proceed with environmental studies now so that when the decision has to be made, at least we have clearance for that? And finally, will he determine whether it is going to be through hydro, coal or gas or nuclear energy?

**Hon Mr Wong:** As I have indicated before when asked this question by the honourable member and would like to repeat, it is important that when we are planning the energy policy and

the electricity policy in particular, for this province between now and the year 2000 and beyond, we have something concrete and definite to work on. The government is awaiting Ontario Hydro's preferred plan which is expected to be presented to the government in the fall of this year.

#### CANADIAN NATIONAL INSTITUTE FOR THE BLIND

**Mr Velshi:** My question is to the Minister of Community and Social Services. The Clarkewood Residence for seniors with visual impairments, located in the riding of Don Mills and operated by the Canadian National Institute for the Blind, will be closing its doors in the fall of 1990.

I understand that the CNIB fully intends to locate and place residents in alternative accommodation. However, in light of the fact that the Clarkewood Residence received \$116,818 from his ministry on 28 June, could the minister tell me how these funds are to be utilized by the CNIB?

**Hon Mr Sweeney:** The Canadian National Institute for the Blind made a decision some while back that it was inappropriate for it to continue to be operating charitable homes for the aged. They felt it was more their mandate to be providing these services in the community.

When they brought this to our attention, we agreed we would help to fund the re-establishment of the people in Clarkewood. Of the \$116,000, approximately \$73,000 went for that redevelopment plan and approximately \$36,000 went to buy and equip a van to better implement that plan.

**Mr Velshi:** Can the minister tell me how the CNIB intends to provide services to visually impaired seniors in the community after Clarkewood closes its doors and to what extent will the Ministry of Community and Social Services be involved?

**Hon Mr Sweeney:** The area office of my ministry has indicated very clearly to the CNIB that it will support the CNIB's decision. The money I mentioned just a few minutes ago, roughly \$73,000, is being used to help CNIB establish its residents back into a smaller community setting in a number of cases, and into other charitable homes in other cases, where they will receive appropriate service.

That will be an ongoing process over the next year or so. That is why we indicated to them several weeks ago that we would assist them to do this. It is a joint venture between my ministry,

CNIB and a number of community agencies which will help these elderly people who are also blind to re-establish themselves back into the community or in a more appropriate setting.

#### LABOUR DISPUTE

**Mr Charlton:** I have a question for the Minister of Labour. The minister will no doubt be aware of the strike at the Hamilton Spectator by 95 mailroom inserters, 90 per cent of whom are women who are earning substantially less than a category they have chosen to compare themselves to: the delivery children who deliver newspapers around the city in bundles for stores.

The issue of this strike is one of pay equity. It is clear that the management of the Hamilton Spectator does not understand either the pay equity issue or the legislation which we passed here in this House. They are still talking about equal pay for the same work, as opposed to pay equity. Perhaps the minister could help us out, first, by telling us what kind of material he is putting out there to the major employers in this province. And could he perhaps help in this case by ensuring that management at the Hamilton Spectator gets some detailed information on pay equity?

**Hon Mr Sorbara:** I would be absolutely delighted to send onward to the people at the Hamilton Spectator, including the parties who are in the midst of this dispute and work stoppage, material that has been prepared by the Pay Equity Commission on the implementation of pay equity.

Perhaps I could do a little commercial here: The material is of absolutely top quality and has been noted as such by virtually every jurisdiction that has examined the material, so there is no dispute as to whether or not the material which the Pay Equity Commission is producing has muddied the waters or has interfered in any material way with the implementation of pay equity.

1500

I want to tell my friend the member for Hamilton Mountain that at the Hamilton Spectator, as of 27 June, it appeared that both sides were holding firm in their positions with respect to this work stoppage, but that there was some indication that this week they were going to be meeting again with mediators from the Ministry of Labour. Obviously, it is inappropriate for you or me or this House to interpose ourselves in the middle of the work stoppage, but it would be important to point out that, given that this is a private sector employer with under 500 em-

ployees, pay equity will not become a statutory requirement for a number of years.

**The Speaker:** Thank you. That is a fairly full answer.

**Mr Charlton:** I think the minister's comments precisely reflect the problem. First, the brochures may be wonderful but if they are not specifically brought to the attention of management in the major employers of this province, what do they really accomplish?

More important, in this specific case, as we said to the minister's predecessor and to the Attorney General (Mr Scott) during the hearings on the pay equity legislation, once people get involved in the pay equity process and start making their comparisons, those pay equity issues are going to become an issue in collective bargaining.

The minister now has a pay equity commissioner coming into the city of Hamilton and saying that pay equity should not be an issue in bargaining. But these people are underpaid and they do not want to wait for the whole of the pay equity process. Now that they have identified their problem, there is nothing, as I understand it, in the legislation which prohibits a full negotiation around the question of pay equity in these negotiations now, and those kinds of comments on the minister's part might help the employer in this case to understand his responsibilities.

**Hon Mr Sorbara:** I regret that my friend the member for Hamilton Mountain appears, at least, to be somewhat ill-informed about how the very act he helped to shape and form in this House actually operates. The fact is that where a trade union is present and pay equity is to be implemented in a workplace, it is part of the requirement of the act that a pay equity plan be the subject of negotiations. So there is a context for it.

If there were a representative from the Pay Equity Commission saying that pay equity was never the subject of negotiation, that individual would be wrong, but I am sure that is not what was being said. Probably—and we can only speculate here—what was being said is that pay equity need not be the subject of contract negotiations prior to that set of contract negotiations which immediately precedes when pay equity has to be implemented.

Interjection.

**Hon Mr Sorbara:** Before my friend from Hamilton Mountain interjects too loudly, I just want to tell him that it is the job of the Pay Equity Commission to assist the parties in their delibera-



tions. I am absolutely certain that if management or the union at the Hamilton Spectator wants assistance in working out pay equity problems, the commission will be there, ready, willing and able to assist.

### CONTROL OF SMOKING

**Mr Sterling:** I want to ask a question of the Minister of Labour regarding Bill 194, which is a bill ostensibly to control smoking in the workplace. I have in front of me legislation which was passed by the state of New York in the latter part of June of this year. I want to read to him two sections of that act:

“‘Smoke-free work area’ means an enclosed indoor area in a place of employment where no smoking occurs. Such area shall be clearly designated, and separate from any smoking area.”

In another part of the act, it says, “That employers shall provide nonsmoking employees with a smoke-free work area.”

This act—this better bill, as I would describe it—not only covers all workplaces in the state of New York, which outnumber ours considerably, but has two significant designations therein. Will the minister not consider including the same kind of definitions in Bill 194, to make it really, truly, meaningful legislation?

**Hon Mr Sorbara:** I have a suggestion that I would throw back to my friend the member for Carleton. Why does he not simply give up his one-person crusade on this piece of legislation, allow this House to pass Bill 194 and get a good way down the road to turning our workplaces into smoke-free workplaces?

It may well be that next year or the year after we will want to consider enhancements to the legislation, but for goodness’ sake, having talked and talked about the deficiencies in the bill—as I said, a one-person stand—why not now agree to pass Bill 194 and make sure we have good, effective legislation in Ontario to give the nonsmokers of this province the right to work without having smoke interfere with their workplace environment?

### MEMBER’S COMMENTS

**Mr Jackson:** On a point of order, Mr Speaker: I would like to direct to your attention standing order 19(d)9 which suggests that all members should be called to order if a member “imputes false or unavowed motives to another member.” I would respectfully request that, even though there may have been an exchange outside of the question during question period today, it would

be inappropriate for all members, including the Speaker, to impute a motive for whether a member is interested in the substance of any question, whether he or she is a member of the governing party or in opposition. I would ask if you would reflect upon that and if in fact it applies to all members of the House.

**The Speaker:** Thank you for the advice, as usual. I appreciate it, I suppose.

### NOTICE OF DISSATISFACTION

**Mr Sterling:** On a point of order, Mr Speaker: I would like to note my dissatisfaction with the answer by the Minister of Labour (Mr Sorbara) to my question regarding Bill 194.

**The Speaker:** I am sure the member will follow the instructions of the standing order with written notice.

### PETITIONS

#### WORKERS’ COMPENSATION

**Mr Wildman:** I have a petition signed by eight residents of Ontario. It reads as follows:

“To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

“We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

“We urge the Liberal government to scrap Bill 162, An Act to amend the Workers’ Compensation Act;

“Because Bill 162 contains the most significant changes to the Ontario system of workers’ compensation contemplated for many years, and yet, as was confirmed through the public hearings on the bill, was developed without an adequate process of public consultation with the stakeholders; and

“Because Bill 162 represents an attack on injured workers and their families and all those people who have fought over the years to achieve fairness and justice for injured workers and their families; and

“Because Bill 162 will eliminate the current lifetime pension for lifetime disability and replace it with a dual award system combining a lump sum and actual wage-loss award benefits, that has been rejected by injured workers, (their advocacy groups, community legal workers and lawyers working on their behalf) and by the trade union movement since it was first proposed for implementation in Ontario by the 1980 Weiler report and the Conservative government’s 1981 white paper; and

“Because Bill 162 virtually ignores the devastating critique and recommendations of the Majesky-Minna task force report on vocational

rehabilitation, that was submitted to the Minister of Labour and suppressed by the Liberal government until April 1988; and

"Because Bill 162 gives legislative form to the unacceptable and reactionary policy of restricting access to supplement awards announced by the Workers' Compensation Board in 1987; and

"Because throughout Bill 162, injured workers are made subject to increased discretionary power at the hands of the Workers' Compensation Board, and made subject to ever more intrusive and demeaning assaults on their dignity, their privacy and their right to fair and just treatment."

I have affixed my name to this petition and I am in support of it.

**The Speaker:** I would just remind the member—I believe it is standing order 31—of the way to present petitions. You certainly may present the material allegations and advise the House of the number of people who have signed and that you have signed. However, it is not necessary to give all the reasons.

1510

#### NATUROPATHY

**Mr Lipsett:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario signed by 132 area residents, supporting the continued regulation of naturopathy in Ontario. I have affixed my signature thereto.

#### TEACHERS' SUPERANNUATION

**Mr Miller:** I too have a petition, from district 47 of the Ontario Secondary School Teachers' Federation.

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Whereas the government of Ontario in its discussions with the Ontario Teachers' Federation on amendments to the Teachers' Superannuation Act has refused to allow an equal partnership between teachers and government in management of the pension fund, establishment of an acceptable contribution increase, benefit adjustments, equitable treatment of future surpluses and a satisfactory dispute resolution process,

"We, the undersigned, petition the Legislative Assembly to insist that the Treasurer of Ontario negotiate with the Ontario Teachers' Federation towards an equitable settlement."

This is signed by a total of 103 constituents.

#### WORKERS' COMPENSATION

**Mr D. S. Cooke:** "To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"We urge the Liberal government to scrap Bill 162, An Act to amend the Workers' Compensation Act;

"Because Bill 162 contains the most significant changes in the Ontario system of workers' compensation contemplated for many years, and yet, as was confirmed through public hearings, the bill was developed without adequate process of public consultation with the stakeholders; and

"Because Bill 162 represents an attack on injured workers and their families and all those people who have fought over the years to achieve fairness and justice for injured workers and their families; and

"Because Bill 162 will eliminate the current lifetime pension for lifetime disability and replace it with a dual award system combining a lump sum and actual wage loss award benefits that has been rejected by injured workers, (their advocacy groups, community legal workers and lawyers working on their behalf) and by the trade union movement since it was first proposed for implementation in Ontario in the 1980 Weiler report and the Conservative government's 1981 white paper; and

"Because Bill 162 virtually ignores the devastating critique and recommendations of the Majesky-Minna task force report on vocational rehabilitation that was submitted to the Minister of Labour and suppressed by the Liberal government until April 1988; and

"Because Bill 162 gives legislative form to the unacceptable and reactionary policy of restricting access to supplement awards announced by the Workers' Compensation Board in 1987; and

"Because through Bill 162, injured workers are made subject to increased discretionary powers at the hands of the Workers' Compensation Board and made subject to ever more intrusive and demeaning assaults on their dignity, their privacy and their right to fair and just treatment."

This is signed by seven people, and I will sign it as well.

#### TEACHERS' SUPERANNUATION

**Mr D. W. Smith:** I have six petitions here signed by approximately seven people. They all say the same:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, petition the Legislative Assembly to insist that the Treasurer of Ontario



negotiate with the Ontario Teachers' Federation towards an equitable settlement."

My name is affixed to that as well.

#### WORKERS' COMPENSATION

**Mr Kormos:** I have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario,

"Whereas Bill 162 (a) does nothing to improve lifetime pensions (especially for disease and soft-tissue injuries); (b) denies injured workers the right to rehabilitation; (c) offers re-employment rights that are less than afforded by the human rights act; (d) gives too much discretionary power to the WCB to deny injured workers benefits; (e) restricts injured workers the right to appeal;

"We request this assembly to advise the Labour minister, the Honourable Gregory Sorbara, to withdraw said Bill 162, An Act to amend the Workers' Compensation Act."

This petition is signed by Nadine Weinham of Port Colborne and nine others and, of course, by myself.

**Mr Mackenzie:** I have a petition here to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario.

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

There are a number of petitions here, signed by a total of 76 people, and I have affixed my name to them.

**The Speaker:** I believe the member for Lambton missed one.

#### TEACHERS' SUPERANNUATION

**Mr D. W. Smith:** Yes. I have another petition here. It has 10 names on it and it is the same as the other six, so I will present it.

#### WORKERS' COMPENSATION

**Mr Pouliot:** I have two petitions, but with respect for the House and in order to save some time, I will only read one of the petitions. Both of them are signed by more than 20 people and they are addressed, of course, to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"We urge the Liberal government to scrap Bill 162, An Act to amend the Workers' Compensation Act."

I have affixed my signature to the petition.

**Mr Kormos:** I have a petition. It is addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario and it reads:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"We urge the Liberal government to scrap Bill 162, An Act to amend the Workers' Compensation Act;

"Because Bill 162 contains the most significant changes to the Ontario system of workers' compensation contemplated for many years, and yet, as was confirmed through the public hearings on the bill, was developed without an adequate process of public consultation with the stakeholders; and

"Because Bill 162 represents an attack on injured workers and their families and all those people who have fought over the years to achieve fairness and justice for injured workers and their families; and

"Because Bill 162 will eliminate the current lifetime pension for lifetime disability and

replace it with a dual award system combining a lump sum and actual wage loss award benefits that has been rejected by injured workers, (their advocacy groups, community legal workers and lawyers working on their behalf) and by the trade union movement since it was first proposed for implementation in Ontario by the 1980 Weiler report and the Conservative government's 1981 white paper; and

"Because Bill 162 virtually ignores the devastating critique and recommendations of the Majesky-Minna task force report on vocational rehabilitation, that was submitted to the Minister of Labour and suppressed by the Liberal government until April 1988; and

"Because Bill 162 gives legislative form to the unacceptable and reactionary policy of restricting access to supplement awards announced by the Workers' Compensation Board in 1987; and

"Because throughout Bill 162, injured workers are made subject to increased discretionary power at the hands of the Workers' Compensation Board and made subject to ever more intrusive and demeaning assaults on their dignity, their privacy and their right to fair and just treatment."

That is signed by eight persons, all except for one—who is from Hull, Quebec—from Ottawa, Ontario, and of course I have affixed my signature as well.

1520

**Mr Wildman:** I have a petition, which reads as follows:

"We care about injured workers. We protest the Minister of Labour's proposal to change the law that would take away injured workers' rights to permanent disability pensions when they are permanently disabled. That would do almost nothing about the miserable compensation of existing injured workers and their widows, and that would leave the injured workers of the future worse off. Workers who are killed or injured in their work deserve better treatment than this."

This petition is signed by 23 people from the province of Ontario, and I have signed my name to it as well.

**The Speaker:** To whom was that addressed?

**Mr Wildman:** It was addressed to all of us.

**Mr Mackenzie:** I have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if

these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

This petition, two sheets, is signed by 15 people, and I have affixed my signature thereto.

**Mr Kormos:** I have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario. It reads:

"We, the undersigned, beg leave to petition the Parliament of Ontario:

"Whereas Bill 162 (a) does nothing to improve lifetime pensions (especially for disease and soft-tissue injuries); (b) denies injured workers the right to rehabilitation; (c) offers re-employment rights that are less than afforded by the human rights act; (c) gives too much discretionary power to the WCB to deny injured workers benefits; (e) restricts injured workers the right to appeal;

"We request this assembly to advise the Labour minister, the Honourable Gregory Sorbara, to withdraw said Bill 162, An Act to amend the Workers' Compensation Act."

That is signed by Margie Bowen, Lee and Sheila Cunningham and seven others from the



Welland-Port Colborne area. It is also signed by myself and has my support.

**Mr Wildman:** I have a petition. This one is addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario.

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"We urge the Liberal government to scrap Bill 162, An Act to amend the Workers' Compensation Act."

It is signed by 11 residents of eastern Ontario, except for two who appear to be residents of the province of Quebec but may work in Ontario. I have signed my name to it as well.

**Mr Mackenzie:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario.

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

This is signed by 15 residents of the various towns in the peninsula here in Ontario and I have affixed my signature to it.

**Mr Kormos:** I have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario. It reads as follows:

"We, the undersigned, beg leave to petition the Parliament of Ontario:

"Whereas Bill 162 (a) does nothing to improve lifetime pensions (especially for disease and soft-tissue injuries); (b) denies injured workers the right to rehabilitation; (c) offers re-employment rights that are less than afforded by the human rights act; (d) gives too much discretionary power to the WCB to deny injured workers benefits; (e) restricts injured workers the right to appeal;

"We request this assembly to advise the Labour minister, the Honourable Gregory Sorbara, to withdraw said Bill 162, An Act to amend the Workers' Compensation Act."

It is signed by Gabor Molnar from Main Street, Tom Penwarden from First Avenue in Welland, nine others and, of course, by myself and it has my support.

**Mr Mackenzie:** I have a petition here to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario.

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

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"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

This is signed by 15 residents, almost all in the east end of Hamilton, my own riding, with two or three from the Fruitland-Hannon area.

**Mr Wildman:** I have a petition addressed to the Honourable the Lieutenant Governor and Legislative Assembly of Ontario.

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"We urge the Liberal government to scrap Bill 162, An Act to amend the Workers' Compensation Act;

"Because Bill 162 contains the most significant changes in the Ontario system of workers' compensation contemplated for many years, and yet, as was confirmed through the public hearings on the bill, was developed without adequate process of public consultation with the stakeholders; and

"Because Bill 162 represents an attack on injured workers and their families and all those people who have fought over the years to achieve fairness and justice for injured workers and their families; and

"Because Bill 162 will eliminate the current lifetime pension for lifetime disability and replace it with a dual award system combining a lump sum and actual wage loss award benefits that has been rejected by injured workers...and by the trade union movement since it was first proposed for implementation in Ontario by the 1980 Weiler report and the Conservative government's 1981 white paper; and

1530

"Because Bill 162 virtually ignores the devastating critique and recommendations of the Majesky-Minna task force report on vocational rehabilitation that was submitted to the Minister of Labour and suppressed by the Liberal government until April 1988; and

"Because Bill 162 gives legislative form to the unacceptable and reactionary policy of restricting access to supplement benefits announced by the Workers' Compensation Board in 1987; and

"Because through Bill 162, the injured workers are made subject to increased discretionary power at the hands of the Workers' Compensation Board and made subject to ever more intrusive and demeaning assaults on their dignity, their privacy, and their right to fair and just treatment."

This petition is signed by seven residents, mostly of eastern Ontario. One, I note, is from Carp. One is from the province of Quebec, but again, may work in Ontario. I have signed it, as well.

**Mr Mackenzie:** I have a petition here.

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

This is signed by 15 residents, mostly of Hamilton, the east end and out to Grimsby, and also some in the Burlington area. I have affixed my signature to it.

**Mr Kormos:** I have a petition. It is addressed:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario:

"Whereas Bill 162 (a) does nothing to improve lifetime pensions (especially for disease and soft-tissue injuries); (b) denies injured workers



the right to rehabilitation; (c) offers re-employment rights that are less than afforded by the human rights act; (d) gives too much discretionary power to the WCB to deny injured workers benefits; (e) restricts injured workers the right to appeal;

"We request this assembly to advise the Labour minister, the Honourable Gregory Sorbara, to withdraw said Bill 162, An Act to amend the Workers' Compensation Act."

This petition is signed by Dave Reeves, Kay Clark and Richard Kovacs from the Welland, Wainfleet, Port Colborne area; eight others, and of course by myself, and the petition has my full endorsement and support.

**Mrs Grier:** I have a petition addressed:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

It is signed by a number of residents of the province, mostly from the Hamilton and Stoney Creek area, and I endorse their views.

**Mr Mackenzie:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

This petition is three sheets, signed by a total of 38 residents, almost entirely of the Grimsby, Smithville, St Catharines and Beamsville area in Ontario.

**Mr D. S. Cooke:** I have a petition to the Honourable Lieutenant Governor and the Legislative Assembly of Ontario.

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"We urge the Liberal government to scrap Bill 162, An Act to amend the Workers' Compensation Act;

"Because Bill 162 contains the most significant changes to the Ontario system of workers' compensation contemplated for many years, and yet, as was confirmed through public hearings on the bill, was developed without an adequate

process of public consultation with the stakeholders; and

"Because Bill 162 represents an attack on injured workers and their families and all of those people who have fought over the years to achieve fairness and justice for injured workers and their families; and

"Because Bill 162 will eliminate the current lifetime pension for lifetime disability and replace it with a dual award system combining a lump sum and actual wage loss award benefits, that has been rejected by injured workers, (their advocacy groups, community legal workers and lawyers working on their behalf) and by the trade union movement, since it was first proposed for implementation in Ontario by the 1980 Weiler report and the Conservative government's 1981 white paper; and

"Because Bill 162 virtually ignores the devastating critique and recommendations of the Majesky-Minna task force report on vocational rehabilitation, that was submitted to the Minister of Labour and suppressed by the Liberal government until April 1988; and

"Because Bill 162 gives legislative form to the unacceptable and reactionary policy of restricting access to supplement awards announced by the Workers' Compensation Board in 1987; and

"Because through Bill 162, injured workers are made subject to an increased discretionary power at the hands of the Workers' Compensation Board, are made subject to ever more intrusive and demeaning assaults on their dignity, their privacy and their right to fair and just treatment."

1540

**Mr Mackenzie:** I have a petition here addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

This is signed by a total of seven residents of Thorold, Grimsby, Stoney Creek, St Catharines and Winona and I have affixed my signature thereto.

**Mr Charlton:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario.

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"We urge the Liberal government to scrap Bill 162, An Act to amend the Workers' Compensation Act.

"Because Bill 162 contains the most significant changes to the Ontario system of workers' compensation contemplated for many years, and yet, as was confirmed through the public hearings on the bill, was developed without an adequate process of public consultation with the stakeholders; and

"Because Bill 162 represents an attack on injured workers and their families and all those people who have fought over the years to achieve fairness and justice for injured workers and their families; and

"Because Bill 162 will eliminate the current lifetime pension for lifetime disability and replace it with a dual award system combining a lump sum and actual wage loss award benefits, it has been rejected by injured workers, (their advocacy groups, community legal workers and lawyers working on their behalf) and by the trade union movement since it was first proposed for implementation in Ontario by the 1980 Weiler report and the Conservative government's 1981 white paper; and



"Because Bill 162 virtually ignores the devastating critique and recommendations of the Majesky-Minna task force report on vocational rehabilitation, that was submitted to the Minister of Labour and suppressed by the Liberal government until April 1988; and

"Because Bill 162 gives legislative form to the unacceptable and reactionary policy of restricting access to supplement awards announced by the Workers' Compensation Board in 1987; and

"Because through Bill 162, injured workers are made subject to increased discretionary power at the hands of the Workers' Compensation Board and made subject to ever more intrusive and demeaning assaults on their dignity, their privacy and their right to fair and just treatment."

This petition is signed by five residents of the Ottawa area.

**Mr Pouliot:** I have a petition addressed to the Honourable the Lieutenant Governor of Ontario, sponsored by the Toronto Case Workers Working Group under the auspices of the Union of Injured Workers. The petition reads as follows:

"We care about injured workers. We protest the Minister of Labour's proposal to change the law that would take away injured workers' rights to permanent disability pensions when they are permanently disabled; that would do almost nothing about the miserable compensation of existing injured workers and their widows; and that would leave the injured workers of the future worse off than they are at the present time. Workers who are killed or injured in their work deserve much better treatment than this."

I have affixed my signature to the petition.

**Mrs Grier:** I have a petition addressed to the Honourable the Lieutenant Governor of the Legislative Assembly of Ontario.

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

It is signed by many citizens of Ontario, and I affixed my own signature.

**Mr Mackenzie:** I have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

This is signed by 16 residents, I note, all from the east end of Hamilton in my own riding. It is nice once in a while to recognize some of them—the Aquinos, the Pellegrinos, the Gigliones and the Seiullos.

I have signed my name to that petition.

**Mr Hampton:** I have a petition. It is addressed to the honourable members of the Legislative Assembly. It states:

"Each year in Ontario hundreds of workers are killed on their jobs and almost half a million workers are injured. The present workers' compensation law denies these workers the right to sue in court for these deaths or injuries. It is the Workers' Compensation Board that determines what injuries and disabilities are to be compensated and what these injuries and disabilities are worth.

"There is a crisis in workers' compensation in Ontario. The Workers' Compensation Board operates in an inhumane and arbitrary way. There is little or no understanding of injured workers' pain and little or no help in returning to meaningful employment. Presently, over 80 per cent of injured workers with permanent disabilities get less than 20 per cent of their pre-accident earnings. The law is not clear or easy to understand. This situation must end.

"We, the injured workers of Ontario, petition you for respect, dignity and justice.

"We urge you to immediately pass laws without hidden clauses that:

"1. ARE easily understood by workers and decision-makers and that guarantee workers their rights and remove arbitrary decision-making;

"2. Provide effective and humane rehabilitation programs to compensate workers for their pain and disabilities and assist them in returning to meaningful employment;

"3. Provide jobs to injured workers or full compensation to those who cannot return to work; and

"4. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker."

This is signed by 20 individuals. I have affixed my signature as well, as an indication of support.

**Mr Kormos:** I have a petition of the type distributed by Art Coté from the Niagara District

Injured Workers Group, who is sitting here watching this today. It reads:

"To the honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario:

**1550**

"Whereas Bill 162 (a) does nothing to improve lifetime pensions, (especially for disease and soft-tissue injuries); (b) denies injured workers the right to rehabilitation; (c) offers re-employment rights that are less than afforded by the human rights act; (d) gives too much discretionary power to the Workers' Compensation Board to deny injured workers benefits; (e) restricts injured workers the right to appeal;

"We request this assembly to advise the Labour minister, the Honourable Gregory Sorbara, to withdraw said Bill 162, An Act to amend the Workers' Compensation Act."

It is signed by Cam Bedard and Stan Johnson of Welland, by Anthony Fabiano of Niagara Falls, along with seven others, and of course I have affixed my signature as well, not only because it is necessary but to indicate my complete endorsement in support of the petition.

**Mr Mackenzie:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;



"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing workers with the choice to opt into new legislation."

This petition, distributed by injured workers in the east end of Hamilton, is signed by 24 names on two sheets, largely from the east end of Hamilton and the Stoney Creek and Beamsville area, and I have attached my name to it.

**Mr D. S. Cooke:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Each year in Ontario hundreds of workers are killed on the job and about a half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing workers with the choice to opt into new legislation."

I have signed the petition as well.

**Miss Martel:** I have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario, which reads as follows:

"We care about injured workers. We protest the Minister of Labour's proposal to change the law that would take away injured workers' rights to permanent disability pensions when they are permanently disabled; that would do almost nothing about the miserable compensation of existing injured workers and their widows, and that would leave the injured workers of the future worse off. Workers who are killed or injured in their work deserve much better treatment than this."

This is signed by 19 individuals, most of them living in Port Hope, Ontario. I have affixed my signature to it and I agree with them entirely.

**Mr Kormos:** I have a petition. It is addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario. It reads as follows:

"We, the undersigned, beg leave to petition the Parliament of Ontario:

"Whereas, Bill 162 (a) does nothing to improve lifetime pensions, (especially for disease and soft-tissue injuries); (b) denies injured workers the right to rehabilitation; (c) offers re-employment rights that are less than afforded by the human rights act; (d) gives too much discretionary power to the Workers' Compensation Board to deny injured workers benefits; (e) restricts injured workers the right to appeal;

"We request this assembly to advise the Labour minister, the Honourable Gregory Sorbara, to withdraw said Bill 162, An Act to amend the Workers' Compensation Act."

It is signed by Randy Schaubel of Welland, Susan Mills of Welland, Christine Broughton of Welland, others from Port Colborne and Welland, totalling 10, and of course by myself indicating my complete support for the petition.

**Mrs Grier:** This petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario reads as follows:

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an

arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

It is signed by residents of the Port Colborne area.

**Miss Martel:** I have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario and it reads as follows:

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

This is signed by residents of Metropolitan Toronto. I have put my signature to it and I agree with them entirely.

1600

**Mr Charlton:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"We urge the Liberal government to scrap Bill 162, An Act to amend the Workers' Compensation Act,

"Because Bill 162 contains the most significant changes to the Ontario system of workers' compensation contemplated for many years and yet, as was confirmed through the public hearings on the bill, was developed without an adequate process of public consultation with the stakeholders; and

"Because Bill 162 represents an attack on injured workers and their families and all those people who have fought over the years to achieve fairness and justice for injured workers and their families; and

"Because Bill 162 will eliminate the current lifetime pension for lifetime disability and replace it with a dual award system combining a lump sum and actual wage loss award benefits that has been rejected by injured workers, (their advocacy groups, community legal workers and lawyers working on their behalf) and by the trade union movement since it was first proposed for implementation in Ontario by the 1980 Weiler report and the Conservative government's 1981 white paper; and

"Because Bill 162 virtually ignores the devastating critique and recommendations of the Majesky-Minna task force report on vocational rehabilitation that was submitted to the Minister of Labour and suppressed by the Liberal government until April 1988; and



"Because Bill 162 gives legislative form to the unacceptable and reactionary policy of restricting access to supplement awards announced by the Workers' Compensation Board in 1987; and

"Because through Bill 162, injured workers are made subject to increased discretionary power at the hands of the Workers' Compensation Board and made subject to ever more intrusive and demeaning assaults on their dignity, their privacy and their right to fair and just treatment."

I have affixed my name to the petition. It is signed by half a dozen residents of Russell, Ontario, in the Orleans area.

**Mr Pouliot:** I have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

I have affixed my signature and support the petition.

**Mr Farnan:** I have here a petition directed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

I have affixed my name to this petition and wholeheartedly endorse the contents and direction of the petition.

**Mr Mackenzie:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

It is signed by 16 members in the east end of the city of Hamilton and in St Catharines. I was interested to note that one of the signatures was from Mr Crevar, who has worked on this. He is one of the people in the gallery. I would hope that it will be recognized—

**The Speaker:** It is not necessary for the editorial comment.

**Mr Kormos:** I have a petition. It is addressed to to the Honourable the Lieutenant Governor and Legislative Assembly of Ontario and it reads as follows:

"We, the undersigned, beg leave to petition the Parliament of Ontario:

"Whereas Bill 162 (a) does nothing to improve lifetime pensions (especially for disease and soft-tissue injuries); (b) denies injured workers the right to rehabilitation; (c) offers re-employment rights that are less than afforded by the human rights act; (d) gives too much discretionary power to the WCB to deny injured workers benefits; (e) restricts injured workers the right to appeal;

"We request this assembly to advise the Labour minister, the Honourable Gregory Sorbara, to withdraw said Bill 162, An Act to amend the Workers' Compensation Act."

It is signed by Penny Corriveau from Welland and nine others, all from Port Colborne, totalling 10. Of course, I have put my signature on it to

indicate my complete, wholehearted, unqualified support for what it says.

1610

**Mrs Grier:** I have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario which reads as follows:

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

It is signed by residents of the Hamilton area, and I support their petition.

**Mr Farnan:** I have a petition directed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario.

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Com-



pensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

This petition has been signed by 14 signatories. I have added my name, and it is an indication of my total and complete support for this petition.

**Mr Kormos:** I have a petition. It is addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario. It reads as follows:

"We, the undersigned, beg leave to petition the Parliament of Ontario:

"Whereas Bill 162 (a) does nothing to improve lifetime pensions (especially for disease and soft-tissue injuries); (b) denies injured workers the right to rehabilitation; (c) offers re-employment rights that are less than afforded by the human rights act; (d) gives too much discretionary power to the Workers' Compensation Board to deny injured workers benefits; (e) restricts injured workers the right to appeal;

"We request this assembly to advise the Labour minister, the Honourable Gregory Sorbara, to withdraw said Bill 162, An Act to amend the Workers' Compensation Act."

It is signed by 10 people, every single one of them from Port Colborne, Shirley House, Irene Mandura and Donna Forster, among others. Of course I have added my signature, not only

because it is necessary but because the petition has my complete, unqualified support.

**Mr Mackenzie:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

I am pleased to sign this; it is on two petition sheets with 20 names from Hamilton and the surrounding area.

**Mr Charlton:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an

arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

This petition is signed by some 15 residents of Hamilton. I have affixed my signature and support their petition.

1620

**Mr Farnan:** I have a petition directed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

This petition is signed by 10 signatories. I have affixed my signature in total and complete support of the content of this petition.

**Mr Kormos:** I have a petition. It is addressed to the Honourable the Lieutenant Governor and Legislative Assembly of Ontario and it reads as follows:

"We, the undersigned, beg leave to petition the Parliament of Ontario:

"Whereas Bill 162 (a) does nothing to improve lifetime pensions (especially for disease and soft-tissue injuries); (b) denies injured workers the right to rehabilitation; (c) offers re-employment rights that are less than afforded by the human rights act; (d) gives too much discretionary power to the Workers' Compensation Board to deny injured workers benefits; (e) restricts injured workers the right to appeal;

"We request this assembly to advise the Labour minister, the Honourable Gregory Sorbara, to withdraw said Bill 162, An Act to amend the Workers' Compensation Act."

It is signed by Larry Fisher of Wainfleet, Louise Letourneau of Welland and a woman from Port Colborne. In addition, it is signed by myself, indicating my complete and unqualified support for the contents of the petition.

**Mr Mackenzie:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.



"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

This petition is signed by 10 residents of the downtown area, the core of the city of Hamilton. I have affixed my signature to it and support it.

**Miss Martel:** I have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario, and it reads as follows:

"Each year in Ontario hundreds of workers are killed in their jobs and almost half a million workers are injured. The present workers' compensation law denies these workers the right to sue in court for these deaths or injuries. It is the Workers' Compensation Board that determines what injuries and disabilities are to be compensated and what these injuries and disabilities are worth.

"There is a crisis in workers' compensation in Ontario. The Workers' Compensation Board operates in an inhumane and arbitrary way. There is little or no understanding of injured workers' pain and little or no help in returning to meaningful employment.

"Presently, over 80 per cent of injured workers with permanent disabilities get less than 20 per cent of their pre-accident earnings. The law is not clear or easy to understand. This situation must end.

"We, the injured workers of Ontario, petition you for respect, dignity and justice. We urge you to immediately pass laws without hidden clauses that:

"1. Are easily understood by workers and decision-makers and that guarantee workers their rights and remove arbitrary decision-making;

"2. Provide effective and humane rehabilitation programs to compensate workers for their pain and disabilities and assist them in returning to meaningful employment;

"3. Provide jobs to injured workers or full compensation to those who cannot return to work;

"4. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker."

This petition is signed by a number of individuals, most of whom live in Hamilton. I have affixed my signature to it and I agree with them entirely.

**Mr Hampton:** I have 52 individual petitions from the community of Atikokan in my constituency. The petitions read as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, petition the government of Ontario to reform the workers' compensation system in Ontario so that people injured at work get decent pensions, rehabilitation and jobs when they are able."

I have signed these petitions and I fully support them in their endeavour.

**The Speaker:** You have signed the 52 of them?

**Mr Hampton:** Yes.

**The Speaker:** Very good.

**Mr Kormos:** I have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario. It reads as follows:

"We, the undersigned, beg leave to petition the Parliament of Ontario:

"Whereas Bill 162 (a) does nothing to improve lifetime pensions (especially for disease and soft-tissue injuries); (b) denies injured workers the right to rehabilitation; (c) offers re-employment rights that are less than afforded by the human rights act; (d) gives too much discretionary power to the WCB to deny injured workers benefits; (e) restricts the injured workers' right to appeal;

"We request this assembly to advise the Labour minister, the Honourable Gregory Sorbara, to withdraw said Bill 162, An Act to amend the Workers' Compensation Act."

It is signed by Eric Stoner, Diane Pearce, Darlene Wagner, Carol Young, all from the

Welland-Port Colborne area. There are 11 signatures in total and, of course, I have affixed my signature as an expression, among other things, of my complete, unqualified, total support for this petition.

**The Speaker:** I might just remind the members of standing order 31(b). It is certainly within order to advise the House of the number of petitioners, but not to name them all.

#### SECURITY IN PREMISES USED BY PUBLIC

**Mr Sterling:** "To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"We request that the Ministry of the Attorney General withdraw Bill 149, An Act to amend the Trespass to Property Act, which we believe is unnecessary and without mandate.

"While we respect the rights of minorities and youth, whom Bill 149 alleges to protect, we oppose the way in which the proposed legislation will erode the ability of owners and occupiers to provide a safe and hospitable environment for their patrons or customers.

"We are further concerned about the legislation's potential for increasing confrontation in the already difficult process of removing individuals who create disturbances on publicly used premises."

I have signed that, along with 291 other people from Ontario. The total number of people is over 2,000 who have signed petitions of the like.

1630

#### WORKERS' COMPENSATION

**Mr Hampton:** I have 50 petitions from individuals who live in the community of Ignace in my constituency. They have each petitioned individually. The petition states in part:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, petition the government of Ontario to reform the workers' compensation system in Ontario so that people injured at work get decent pensions, rehabilitation and jobs when they are able."

These petitions have all been signed and I have affixed my signature to them as well.

I have 35 petitions from individuals who live and work in the community of Atikokan in my constituency. They have petitioned as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, petition the government of Ontario to reform the workers' compensation system in Ontario so that people injured at work get decent pensions, rehabilitation and jobs when they are able."

These petitions have all been signed by individuals and I am affixing my signature as well in support of that.

#### INTRODUCTION OF BILLS

##### COMMERCIAL CONCENTRATION TAX ACT, 1989

##### LOI DE 1989 DE L'IMPÔT SUR LES CONCENTRATIONS COMMERCIALES

Mr Grandmaître moved first reading of Bill 46, An Act to establish a Commercial Concentration Tax.

M. Grandmaître propose la première lecture du projet de loi 46, Loi portant création d'un impôt sur les concentrations commerciales.

Motion agreed to.

**Hon Mr Grandmaître:** I am sure that this House will have plenty of time to discuss the commercial concentration tax or levy. This was proposed by the Treasurer (Mr R. F. Nixon) when he introduced his budget on 17 May, so I am sure I would not want to waste the House's time and we will have plenty of time to discuss the concentration levy.

##### EMPLOYER HEALTH TAX ACT, 1989

##### LOI DE 1989 SUR L'IMPÔT PRÉLEVÉ SUR LES EMPLOYEURS RELATIF AUX SERVICES DE SANTÉ

Mr Grandmaître moved first reading of Bill 47, An Act to impose a Tax on Employers for the purpose of providing for Health Care and revise the requirements respecting the payment of Premiums under the Health Insurance Act.

M. Grandmaître propose la première lecture du projet de loi 47, Loi prévoyant le prélèvement d'un impôt sur les employeurs en vue de fournir les services de santé, et prévoyant la révision des exigences à l'égard du paiement des primes en vertu de la Loi sur l'assurance-maladie.

Motion agreed to.

**Hon Mr Grandmaître:** The bill implements the proposal in the Treasurer's budget of 17 May of this year to establish an employer health tax and to eliminate Ontario health insurance premiums. It contains the necessary provisions for introducing the new tax, as well as amendments to the Health Insurance Act to phase out premium payments. The tax will be payable by employers



with permanent establishments in Ontario in respect of remuneration paid to their Ontario employees.

Le projet de loi donne suite à la proposition formulée par le Trésorier (M. R. F. Nixon) dans son budget du 17 mai 1989, visant à instituer un impôt-santé des employeurs et à éliminer les primes d'assurance-maladie de l'Ontario. Il renferme les dispositions nécessaires à la déposition de ce nouvel impôt, de même que des modifications à la loi sur l'assurance-maladie, destinée à éliminer progressivement les paiements des primes.

Large employers will pay a tax of 1.95 per cent and make monthly tax instalments commencing in January 1990. Small employers will pay a tax of 0.98 per cent or graduated rates between 0.98 per cent and 1.95 per cent and make quarterly instalments commencing in April 1990. Health insurance premiums will cease as of January 1990, and premium remittance will be required up to and including December 1989.

### ORDERS OF THE DAY

House in committee of the whole.

La Chambre en comité plénier.

#### JUSTICES OF THE PEACE ACT, 1989

#### LOI DE 1989 SUR LES JUGES DE PAIX

Consideration of Bill 93, An Act to revise the Justices of the Peace Act.

Étude du projet de loi 93, Loi portant révision de la Loi sur les juges de paix.

**The Deputy Chairman:** First, could I ask the committee if there are any sections which members seek to amend, and if so, which sections for amendment, comment or questions?

**Mr Sterling:** I have given you two amendments, Mr Chairman, one to section 17 and one to section 18 of the bill. I have distributed those to the table and to the critics for both of the other parties.

**Mr Hampton:** I have five amendments to section 10 of the bill. I have distributed copies of the amendments to the table, to the third-party critic and to the parliamentary assistant to the Attorney General, the member for Mississauga North (Mr Offer).

**The Deputy Chairman:** Are there any government amendments?

**Mr Offer:** We are going to be proposing amendments to subsection 2(4), subsection 4(2), section 13, clauses 14(1)(c), (d) and (e), section 15d, and we will be proposing an addition to section 20. We have distributed those amend-

ments to the critics for the opposition and the third party. We have also provided copies of those amendments to the table.

If it is proper at this time, I would like to indicate with reference to subsection 16(4), which is currently part of the bill, that we will not be moving that particular subsection, if that is the way in which we indicate that to the chair at this time.

Section 1 agreed to.

L'article 1 est adopté.

1640

Section/article 2:

**The Deputy Chairman:** Mr Offer moves that subsection 2(4) of the bill be struck out and the following substituted therefor:

"(4) A justice of the peace shall not engage in any other remunerative work without the approval of the review council."

**Mr Offer:** Currently, subsection 2(4) prohibits a full-time justice of the peace from engaging in any other remunerative work. The amendment suggested would extend this prohibition to part-time justices of the peace, but would also allow the Justices of the Peace Review Council to authorize other work.

We believe there are some jobs which the review council would like to take into consideration in determining whether there ought to be approval for either a part-time or full-time justice of the peace, and we do not want to see justices of the peace, be they part-time or full-time, getting into a situation where their other jobs are incompatible with their judicial duties.

**Mr Sterling:** We think this is an improvement to the bill. Many of the part-time justices of the peace in this province earn very, very small amounts of money for the considerable services they give to the public, particularly in the outlying areas.

I think it is unreasonable to ask a part-time justice of the peace, who might earn in total anywhere from \$500, \$5,000 to \$15,000, to not be engaged in any other remunerative work. Therefore we support a change to subsection 2(4). I am glad that the Attorney General has listened to the justices of the peace who have made this representation to him.

**Mrs Cunningham:** I would like to add my compliments to the government for taking a look at some of the input it must have received around the problem with that particular section. I only want to add that even full-time justices of the peace right now, those who will not receive the support they need in order to do more work, will

have time at least to dispose themselves of some of the extra income or their own businesses. So it allows them time to make other changes in their lives if in fact it is not acceptable to the co-ordinator.

We also would like to add that particular point and agree with this particular amendment.

**Mr Hampton:** I would assume this is one of the amendments on which justices of the peace lobbied the Attorney General (Mr Scott), because they certainly spoke to the opposition critics and indicated that it had the potential to create a fair amount of hardship for justices of the peace.

The fact of the matter is that as it now stands, justices of the peace do not in every case receive a great deal of remuneration. So on behalf of my caucus, we will be supporting this amendment and are appreciative of the fact that the government saw fit to bring it in.

Motion agreed to.

Section 2, as amended, agreed to.

L'article 2, modifié, est adopté.

Section 3 agreed to.

L'article 3 est adopté.

Section/article 4:

**Mr Offer:** I have an amendment to subsection 4(2) and it is mainly of a grammatical nature.

**The Deputy Chairman:** Mr Offer moves that subsection 4(2) of the bill be amended by inserting after the word "peace" in the first line the words "who is."

**Mr Offer:** As such, the bill would read "Every justice of the peace who is authorized to preside at the trial of an offence," and it goes on to its conclusion. It is merely an amendment of a grammatical nature.

Motion agreed to.

Section 4, as amended, agreed to.

L'article 4, modifié, est adopté.

Section 5 agreed to.

L'article 5 est adopté.

Section/article 6:

**Mr Sterling:** I would like to deal with section 6 separately. It is more in the form of a question for the parliamentary assistant to the Attorney General. This section says, "Every justice of the peace shall retire upon attaining the age of 70 years." I assume that includes both full-time and part-time justices of the peace.

While we may consider the age of 70 an adequate retirement age or a retirement age which is later in life than many other occupa-

tions, the nature of this particular function in our society is such that probably in Ontario we have 500 to 600 justices of the peace. I am not absolutely sure of these figures, but somewhere in the neighbourhood of 300 full-time justices of the peace and 300 to 400 part-time justices of the peace. I am told that more than 100 of these justices of the peace are over the age of 70 years.

I have two questions. One is, with a blanket statement such as that put forward in section 6, we may have difficulty in some outlying areas of the province having warrants being sworn in front of a justice of the peace, I guess mostly with part-time justices of the peace. Also, as a matter of interest, in some counties—and the member for Elgin (Miss Roberts) would be interested, because in the county of Elgin we have all three full-time justices of the peace who are older than 70 years of age.

I believe the parliamentary assistant has put forward an amendment to a later section, section 20, which in some way addresses this, but I would ask him whether he considered an amendment which would have allowed the extension of service beyond the age of 70 by the review council on a piecemeal basis as we go across the province.

The second question deals with remuneration of these people who have put in such a long service to the province. Many of these people would have served, I imagine, over 50 years. When this bill becomes law, of course, there is no pension associated with it. In some cases, some of these older people have been relying on this as a source of income to supplement their pensions. I am thinking, again, particularly in the outlying areas, but I suppose it occurs also in the larger metropolitan areas. I want to ask the parliamentary assistant what he is doing for those people who will be cut off by section 6 of the bill.

1650

**Mr Offer:** With respect to section 6, it is important to realize that section 7a of the current Justices of the Peace Act states that the age for retirement of full-time justices of the peace is 65 years of age. Upon recommendation by the Chief Judge, there can be an extra five years. So in terms of the salary of full-time justices of the peace, the current retirement age is 65 plus five, or 70 years of age. However, the current scheme does not apply to part-time justices of the peace. There is no provision with respect to their retirement under the current legislation, so they could be part-time justices of the peace for life.

Section 6 is designed to bring a level of consistency to full-time, part-time, presiding or



nonpresiding justices of the peace. We feel this is an important addition to the legislation, so that whoever is acting in the capacity as a justice of the peace, be it full-time or part-time, be it presiding or nonpresiding, the age for retirement will be the same. That would be 70 years of age. We believe this will add a sense of consistency throughout the justice of the peace system in the province which does not exist at the present time.

**Mr Sterling:** The second part of my question is: What are we doing to compensate some of these people who have served our province well over a long period of time? Second, what is the Attorney General going to do in areas where we do not have any justices of the peace to fill the gap when this occurs?

**Mr Offer:** In response to the question, that is an important issue which has been raised by the member for Carleton. In large measure, that is information which is addressed by the upcoming addition to section 20 of the bill, section 20a. With your permission, Mr Chairman, I will discuss a little our proposed addition to section 20.

In this section, we have added a transitional type of implementation of this legislation region by region. This is one of the things that will be done in terms of its implementation on a regional basis. We believe that by doing it on that type of basis, the new co-ordinator of justices of the peace will be able to see what areas are required in terms of justices of the peace, where the justices of the peace are required, whether they ought to be presiding or nonpresiding and whether they should be full-time or part-time. These are some of the very essential considerations which are contemplated by this regional implementation through section 20.

In response to the question about those justices of the peace over 70, they would not be able to perform any functions of a justice of the peace nature if they have exceeded the age of 70.

**Mr Hampton:** I wanted to get in on this, because it seems to me that a part of what my colleague from Carleton asked about has really not been adequately answered or considered by the government.

The fact of the matter is that hundreds of justices of the peace across the province have worked diligently and faithfully for years, and for reasons which have never really been stated by the government, these same justices of the peace have not been made salaried JPs. Many of them have worked almost full-time on a per diem basis. Working almost full-time on a per diem

basis has severely limited their capacity to earn an income otherwise or to earn a pension.

It is a concern my colleague the member for Welland-Thorold (Mr Kormos) and I heard several times, not just from JPs here but specifically from justices of the peace in some of the further reaches of the province.

So we have people who have worked, and I repeat this again, many of them 30 or 40 years as justices of the peace but never on a permanent salary basis, always on a per diem basis, and many of them have no pension plan.

They are reaching the mandatory retirement age or have reached the mandatory retirement age under this bill, and the net effect is that those justices of the peace, as I said, some of them having served faithfully for decades, will be sent out to pasture, literally, without a cent, not one cent, of pension benefits.

I think that is a real deficiency in the bill. It is a very shabby way to treat someone who has contributed a great deal to the administration of justice in this province for a good many years. I think it is an injustice that will have a cruel impact on a lot of dedicated, hard-working people. Surely, the parliamentary assistant to the Attorney General will want to stop and consider if something cannot be done to provide a decent pension for those people.

That is a big part of the issue my colleague the member for Carleton was raising, and I think that is an issue which the parliamentary assistant should turn his mind to. Certainly the government should not only turn its mind to it but turn its pocketbook to it.

**Mr Offer:** I would like to comment, because there is no question that there has been a very high duty which has been given to this province by the existing justices of the peace, be they part-time or full-time, be they salaried or fee-based.

This bill is designed to take a look at the whole justice of the peace system, where we now have five categories of justices of the peace which are designated by initials—A expanded, A, B, C and D—each particular letter giving a certain jurisdiction to each justice of the peace.

We are now saying that type of system is not in the best interests of the province. In fact, I think the justices of the peace would very much favour the system we are implementing by this legislation, whereby, instead of those particular alphabetic designations, we now have two designations: presiding or nonpresiding.

I think we are going to be able to employ the use of justices of the peace, which has been



exemplary across this province, in a more efficient and effective manner. I think these are changes to the justices of the peace, many of which are not new but have been based in large measure on the Mewett report which talked about the justice of the peace system in the province. This legislation is in many ways implementing many of those recommendations.

We feel this legislation goes very far in building upon the great service done by justices of the peace across the province and we want to put it in legislative fashion.

**Mr Hampton:** I appreciate the general comments the parliamentary assistant has made, but I do not think he has turned his mind to the issue yet.

The fact of the matter is that this bill will put out of work a number of justices of the peace who have worked many years for the province, not on a full salary basis but on a per diem basis, who, because of this bill, will no longer be in a position where they can work as a part-time JP and, in lieu of a pension, earn some kind of income from the job, which might at least keep them out of poverty. That is the issue.

This bill says that once you hit 70, you are done; you cannot work as a justice of the peace any more. As I point out, many of those individuals who will be put out of work as justices of the peace under this bill would have relied upon part-time work as JPs to provide them with some kind of income, however meagre it might be, in lieu of a pension, because the job at no time provided a pension.

If the bill is going to do that, take away what otherwise would be similar to pension income earned as a part-time JP, at the very least the government should replace that with something for those 200 or 300 justices of the peace who find themselves in that category.

1700

That is my question to the parliamentary assistant. We are not talking about a lot of money here. We are maybe talking about 300 people. If the government is going to take their income away from them by forcing them into retirement when they otherwise would not have to, will it not at least give them some form of pension income so they do not fall into poverty?

**Mr Offer:** I think it is important, first, to make the point that to this time, part-time justices of the peace who have engaged in that work have done so without any type of benefit protection of any nature or kind.

We would like to indicate, second, in terms of a response that this legislation, in particular

clause 20(1)(d), does permit regulations providing benefits to full-time and part-time justices of the peace. It is under this very legislation that the benefits the member for Rainy River (Mr Hampton) so wants in terms of part-time justices of the peace are now going to be able to be provided to those who provide that service in the future.

**Mr Sterling:** The parliamentary assistant continues to try to bob and weave, and we are reluctant to leave this section and allow him to continue to do that.

Our problem is this. We have approximately 100 individuals out there, part-time justices of the peace, who by the stroke of this legislation will no longer be part-time justices of the peace. Many of those individuals, because they have served as justices of the peace for the province for the last 30 years, made their plans in retirement life on the basis that as justices of the peace they would get some income, albeit perhaps a little income, from year to year as long as they could function. Obviously, there are about 100 individuals out there, or at least a good number of those 100, who can still function as justices of the peace and do their job; but this legislation is going to say, "It's over."

Because of the way it was structured before, these people never had the opportunity to enter into a pension plan. Second, they were under the false assumption that the government would allow, as it has over the past 160 years, for the justice of the peace to retain that designation until he or she died. Therefore, I think it was a reasonable assumption on their part that they would have an opportunity, even after they were 70 years of age, to earn a little income, be it \$2,000 or \$3,000 or whatever; that helps out if you do not have much else going for you in terms of a pension.

That is where our argument stands. What we say is that maybe the government should look back over the number of years and say that if the person earned an average of \$10,000 over the last 10 years, let's give him some amount of money in recognition of his long-term service, because these are not the rules they understood they were working under when they accepted the appointment; these are not the rules they have understood to be the case as they were going towards the age of 65 or 70 and looking towards retirement; and they were led, innocently, by previous politicians and governments to believe it would continue that way. We are just asking that the government in some way compensate



these people or provide for these people in some small fashion.

**Mr Offer:** In response, again I am going to be mainly reiterating much of what has already been said. In terms of section 6, one has to realize that currently in this province full-time justices of the peace must retire at 65, with some form of possible extension of that for another five years, which would increase that to 70 years of age. Part-time justices of the peace have always had the designation of justice of the peace for life. There was not that 70-year bar.

However, under this legislation, what we want to do is to provide a consistency across the province. In this legislation we are not just stating that a justice of the peace must retire at 70 years of age. We are also moving in terms of the classification of work a justice of the peace would do, in terms of presiding or not presiding.

We are also getting away from the fee structure for full-time and part-time justices of the peace. We believe this legislation, and this section in particular, coupled with all of the other sections, provides, first, a consistency across the province. It provides a different and new system much recommended by Professor Mewett in his acclaimed report on pensions.

I see members of the opposition and members of the third party are saying, "Well, what about pensions?" Indeed, it is this legislation which is going to be able to provide the pension benefits for all justices of the peace which they think should be in place. Without this legislation that benefit would not be possible. It is through this legislation that the benefit they think the justices of the peace ought to receive will be able to be received.

I hope that when we come to that particular subsection in section 20, we can expect the unanimous consent of my critics so that the types of benefits which they think are so necessary, which have not been able to be provided in the past to part-time justices of the peace, will be able to be provided under this amendment. I hope we will be able to get their support for such a subsection.

**Mr Sterling:** I do not know if the parliamentary assistant can answer a question yes or no, but I would really like to ask him this specific question. There are about 100 part-time justices of the peace over 70 years of age. When this bill comes in, is it not true that they will be cut off without a dime?

**Mr Offer:** As I indicated in my explanation of the addition to section 20, the implementation of section 6 of this bill, as well as others, will be

done through a transitional phase. The question becomes: When somebody has been brought into the system, what is the retirement age? The retirement age is 70. That is the retirement age that currently full-time justices of the peace operate under. It will be the retirement age for all justices of the peace in the province and it will be effective as soon as, through the transitional phase, that particular region is implemented.

**Mr Sterling:** A part-time justice of the peace who is over the age of 70 years, who will be cut out by this act, will not be included in section 20. Some of them will be cut out because they will not be in regions where section 20 will be implemented, because it is done on a regional basis. The parliamentary assistant can check with his staff. He is nodding yes. Will they be cut off without a dime?

**Mr Offer:** I think I have to reiterate and recite one of the statements I made in response to the member's initial question. The question is: Will any justice of the peace be able to provide a function of a justice of the peace nature after 70 years of age and after the particular region has been included in the implementation? The answer is, of course, under section 6, no, they will not be able to do that. That is what section 6 is designed to do.

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It is designed to provide a consistency. I indicated that in my response to the member's initial question. I want to make it quite plain that the implementation of this legislation, because of its complexity, because of the necessity for the justices of the peace co-ordinator to take a look at the different regions, to take a look at what is being provided in certain areas and whether that particular provision of service is by a part-time or a full-time justice of the peace, has to be implemented on a regional basis, a piecemeal type of basis. We believe that is the best way, the most effective way and the most expeditious way to implement this piece of legislation, which is, I state, one that is much supported by the justices of the peace across the province.

**Mr Sterling:** Will a part-time justice of the peace who is cut off by this act from acting as a part-time justice of the peace or a justice of the peace in the future be left without any pension?

**Mr Offer:** Justices of the peace currently do not have any pension under the existing legislation. If the member is asking, "Under the existing legislation, are they going to have any pension?" the answer is no. But I hasten to add that it is through these amendments that they will be able



to have pensions. It is through these amendments that that particular pension will be available, but under the old legislation, the one we are hoping to amend with the support of all members of the House, that concern will be able to be addressed.

**Mr Sterling:** He is getting close to an answer. Through these amendments, for consistency, what the parliamentary assistant has told us now is that 100 people who have served this province are not going to be compensated for their service. Am I correct? They are not going to be—

**Mr J. B. Nixon:** Who is going to compensate them? Do you want the taxpayers to compensate them?

**Mr Sterling:** Yes, I do.

**Mr J. B. Nixon:** Do you want to raise taxes for that?

**Mr Sterling:** Yes, I will raise taxes for that. I will raise taxes to pay these people. It will probably cost all of about \$100,000 to \$200,000 a year.

**Mr J. B. Nixon:** If you think it will only cost \$100,000 or \$200,000 a year, then you demonstrate an ignorance of the true cost of pensions. It's much, much more than that.

**Mr Sterling:** I have some compassion for people who have served in this province before, unlike the member for York Mills.

Interjection.

**Mr Sterling:** They will not get any compensation at all?

**Mr Offer:** I think I heard the question whether there is any compensation package of any nature or kind in terms of part-time justices of the peace who are over the age of 70 and their region has been brought into the new legislation, and the answer to that is no, there is not. I hope that clarifies the first time the member asked that particular question.

**Mrs Cunningham:** On the same point to the parliamentary assistant, is he saying then that some of the part-time justices of the peace may in fact be allowed to continue on past the age of 70 in some regions of the province?

**Mr Offer:** What we are doing through this legislation is really creating a new justices of the peace system in the province.

**Mr J. B. Nixon:** These are Tory fund-raisers who are now justices of the peace.

Interjections.

**Mr Offer:** Because of the scope and complexity of the system, we are going to be implementing the system on a region by region basis. That is

discussed in an upcoming amendment to the legislation, an addition to section 20. So in terms of whether there will be any discretionary power, if I can possibly read into the member's question as to whether there is discretion under the legislation, to allow someone over the age of 70 to continue on as a justice of the peace, the answer is no, there is not a discretionary provision.

I do want to indicate that there is the possibility, of course, that people will be carrying on the function over 70, only because their particular region has not been brought in to the new legislation, but once their region is brought in to the new legislation, then there is no discretion whatsoever.

**Mrs Cunningham:** I have just a supplementary question and I hope we can end the discussion on this section, but we are trying to answer the questions as our constituents phone in.

The question I had is, does this really mean that during the implementation of this legislation, all we are going to get is the old handshake? From what I could read in section 6, the truth of the matter is, yes, that is what you get, a handshake. Let's be honest, people do not want to be fooled. There may be other things they can do. They are not going to be happy with that. In fact, I do not think it is fair.

I have two questions. Did the government ever think—obviously, it did not consider pensions—of grandfathering people? That is the first question. The second one is, is it the intent of the government then to implement this particular section of the bill in a very short period of time?

The parliamentary assistant talks about areas or regions coming in under the legislation, but surely his intent, if he wants to make things fair across the province, is that there is a time frame. So for those who are carrying on, it may be a matter of months, but let's not fool them. If it is going to be a matter of months before they have implemented it, fine, but is it years they are talking about. So I have two questions I hope the parliamentary assistant will address.

**Mr Offer:** I would like to address those questions. First, this is a new system, which though in legislative form now, is one that has been much talked about through a report by Professor Mewett and carried on with much discussion with justices of the peace. I think the member's concern, as I am reading it—and she should correct me, please—is whether this is almost foisted upon the justices of the peace, almost as a surprise.



As the member will know by shaking her head, that is not the case. There has been a lot of discussion, a lot of consultation and major recommendations by Professor Mewett, many of which are found in this legislative form, designed to provide a justices of the peace system that is efficient and effective throughout the province. There have to be changes involved in that.

In terms of the question as to the consideration of over 70 and what will happen, I believe I have already addressed that. Although there have been many considerations and options taken into account, we believe that it is time—I believe Professor Mewett also recognized it—and that it is necessary, in terms of retirement age, that there be a uniformity across the province. One who is a full-time justice of the peace ought not to have to retire at 70 while one who is part-time can be a justice of the peace for life. There is a consistency that is necessary and we believe that consistency is met by stating the retirement age to be 70 years of age, which is currently the basic retirement age for full-time justices of the peace right now.

**Mrs Cunningham:** Given the response to my question, I will be answering in my letter, saying: “Yes, you will get a handshake. Secondly, in some regions, it may be a little later than sooner.” It is as simple as that.

**Mr Offer:** I would like to respond to that. I apologize because I did not come to grips with the question as to the implementation of the legislation region by region.

The reason for section 20—it is interesting that we are talking in the main about section 20; I do not know what we will be saying when we get there—the addition to that particular section was made because the considerations in terms of resources and whatnot across the province, we feel are best addressed by the new justices of the peace co-ordinator on a region by region basis. There will be less difficulty. There will be a more in-depth type of consideration as to what is needed. We believe it can be done most effectively region by region as opposed to a province-wide implementation.

Having said that, I want to make it very clear—I know justices of the peace across the province want to be assured—that the implementation of this legislation is to be done as quickly as possible, not that it be held up, but that it be done as quickly as possible. I, as well as the Attorney General and all ministry staff, am committed to this regional type of implementation for the purpose that it will be implemented in a quicker

fashion than it might otherwise have been if it were done in one fell swoop.

The answer to the member’s question is, yes, we want to implement the legislation and we want to implement it as quickly as possible. We believe the way that can be done is through a region by region implementation.

Section 6 agreed to.

L’article 6 est adopté.

Section 7 to 9, inclusive, agreed to.

Les articles 7 à 9, inclusivement, sont adoptés.

1720

Section/article 10:

**The Deputy Chairman:** There is an opposition motion.

**Mr Hampton:** The parliamentary assistant has spoken on a couple of occasions today about the Mewett report and the fact that the Mewett report was a rather comprehensive examination of the situation in the province with respect to justices of the peace. It made several recommendations in terms of professional training, continuing education, work conditions, pay, benefits and so on.

It is true that many of the recommendations that were made by Mr Mewett have found their way into Bill 93. However, several important matters were for some reason left out. What I have tried to do in my amendments to subsection 10(1) is to impress upon the government that it would not be very difficult to incorporate into subsection 10(1) some of the matters Professor Mewett spent a great deal of time and several pages of his report arguing on.

**The Deputy Chairman:** Order. Excuse me. Are you going to make the motion?

**Mr Hampton:** Yes, I am. That is the reason.

**The Deputy Chairman:** Mr Hampton moves that subsection 10(1) of the bill be struck out and the following substituted therefor:

“(1) The functions of the review council are,

“(a) to recommend to the Attorney General minimum qualifications for all justices of the peace, including minimum education requirements and minimum experience requirements;

“(b) to recommend to the Attorney General appropriate recruiting procedures, including advertising of openings, to identify candidates for appointments as justices of the peace;

“(c) to consider all proposed appointments and designations of justices of the peace and make reports concerning them to the Attorney General;

“(d) to review the salaries, benefits and working conditions of full-time and part-time

justices of the peace at least once every two years and make reports, with recommendations, with regard to that review to the Attorney General;

“(e) to receive and investigate complaints against justices of the peace.”

**Mr Hampton:** As I indicated earlier, all these details are brought up and dealt with by Mr Mewett in his report. The government has chosen in the existing subsection 10(1) to deal with two of them; that is, it indicates in the existing subsection 10(1), “The functions of the review council are...to consider all proposed appointments and designations of justices of the peace and to make reports” on them, and “to receive and investigate complaints against justices of the peace.”

The legislation, as it is, deals through the review council with some of those important issues. Just earlier, the parliamentary assistant to the Attorney General noted in his comments—I believe it was on subsection 2(4) of the bill—and referred that the review council could take some role in deciding what kind of other remunerative work JPs could involve themselves in. So it is pretty clear that what the government has in mind in terms of the review council is a council that would deal, not just with complaints but would also consider economic issues and working conditions and so on.

In the three amendments I have introduced, I have tried merely to make that very plain. The first one is to recommend to the Attorney General minimum qualifications for all justices of the peace, including minimum educational requirements.

Mr Mewett points out at some length in his report that there is a need for this. Given the fact that decisions JPs deal with are becoming more and more complex all the time, there is a greater level of education or a greater level of experience with the justice system needed, and also a greater level of continuing education. That should indeed be something the review council deals with.

The second point is that since the parliamentary assistant to the Attorney General feels the review council should have some say, and I agree with him, in deciding what other remunerative work JPs can take part in, maybe the review council should also then be dealing with salaries, benefits and working conditions of full- and part-time justices of the peace.

One of the glaring failures of the existing legislation, and it is equally a glaring failure of this legislation, is that no mechanism is provided whereby justices of the peace can approach the

government to say, “Look, we have a problem with our working conditions,” or, “We have a problem with our pay,” or, “We have problems with the way the job is working right now.”

Justices approached me and my colleague the member for Welland-Thorold on a number of occasions to say, “This bill at least ought to provide a mechanism so that we can talk about those things. It makes little sense, and it is quite inappropriate, that we have to go directly to the Ministry of the Attorney General to talk about these things. There ought to be an intermediary body that can deal with issues such as our pensions, pay, working conditions, something that is separate from the Ministry of the Attorney General. someone whom we can talk to and someone who through the legislation will have a regular role in determining all of this.”

Finally, one of the other things Professor Mewett pointed to was that there needs to be some mechanism for the appropriate recruitment and the appropriate appointment of justices of the peace. I heard a while ago some of the government backbenchers saying that we really should not worry about the pensions of some of the existing part-time JPs because, after all, they are old Tory hacks.

**Mr J. B. Nixon:** That’s not what we were saying.

**Mr Faubert:** The member opposite said it.

**Mr Hampton:** I heard it very clearly and a few other members on this side heard it as well.

Interjections.

**The Acting Chairman (Mr Morin):** Order, please.

**Mr Hampton:** If that is the members’ concern, then I think they will be equally concerned that some of the justices of the peace do not become old Liberal hacks, although the way the government is going right now, there is not much chance of that.

Why not have the review council set up to actually deal with the advertising of positions and the recruitment for positions, in doing reports on and recommendations of who should fill positions? Why not put it all in the hands of the review council? Why give them only half the job? The government should give them all of the job. I think this is the appropriate place to do it and they are things Professor Mewett indicated needed to be done. They are things that even the parliamentary assistant earlier today indicated in his comments on remunerative work for part-time JPs needed to be done. This is the



appropriate place, so why will the government not do it?

**The Acting Chairman:** The parliamentary assistant.

**Mr Sterling:** Maybe I should speak first so that he can respond to me as well.

I speak in support of the amendment. In talking to justices of the peace, they are as concerned as we are and Professor Mewett was about qualifications for justices of the peace and having some parameters to work within. I think they would have to be pretty general because of the diverse nature of our province, but I do think it is important that some qualifications be put down or even that the government put its mind to formulating that.

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I do not know whether it is appropriate for legislation, but the updating and the education of justices of the peace is sadly lacking in that I believe they have one three-day conference a year, whereby there is approximately \$160,000 to \$180,000 a year in total to educate 600 JPs about what the present state of the law is. In my view, this is not adequate.

The other part of this amendment tries to deal with striking the salaries for the JPs. That, of course, is dealt with in a later section of the bill, section 17, and I have proposed an amendment to it, but I would be quite willing to yield on section 17, my amendment, if the government accepted this amendment. That would be to put outside the hands of the provincial government, the Attorney General or the bureaucracy as such, the salary-making mechanism. There is a principle of independence of the judiciary, and the justices of the peace are part of that judiciary, which it is necessary to maintain in our present system.

Right now, in my view, the Attorney General, through his staff, has far too much power in determining that and therefore, whether it is intentional or not intentional, can have influence over a JP's decision, which is not the way our justice system should run.

I want to add that the justices of the peace I have been talking to have not alleged that about the present government in terms of unfairness, other than that they draw attention to the Sibson report, which has recommended that the justices of the peace be paid \$47,500 per year, whereas they are being paid less than \$40,00 a year at this time.

Quite frankly, they have significant duties; at least, some of them have significant duties. Some of them are deciding cases where fines to a maximum of \$50,000 can be levied. They are

now undertaking bail hearings in the city of Toronto after the hour of 4:30 in the afternoon, when you have people who are convicted of very serious crimes, when you really need people who can exercise judgement wisely, evenly and following the existing laws. Therefore, to pay somebody less than \$40,000 a year to take on those responsibilities I would suggest is not fair and adequate.

While the Sibson report has recommended that the justices of the peace should be paid \$47,500, and that was recommended in 1988, then there has to be some mechanism, as suggested by my colleague, to strike a method to find out what a reasonable salary is, because the government seems to be lagging behind in responding to the Sibson report.

**Mr Offer:** First, to respond to the amendment put forward by the member for Rainy River, I will be speaking against the proposed amendment.

I do note for the record that I believe clauses 10(1)(c) and (e) are basically word for word with the current proposed legislation. However, in terms of the minimum qualifications for all justices of the peace, I think it is important to note that even Professor Mewett, who did address the issue, did indicate some concern with a rigidity or an inflexibility that statutory qualifications may impose, especially in terms of an effective justice of the peace for the native peoples. I think we have to maintain that flexibility as much as we can.

In terms of the appointment process, I note that the review council, in the amendments by the government, the bill itself, talks about considering all proposed appointments and designations. This is very much the first time that such a provision is founded in this legislation, and it is very necessary.

Members will note that we will do a lot of learning from the current pilot project going on under the chairmanship of Peter Russell in terms of judicial appointments. That is a pilot project which I believe still has probably a couple of years to run and may serve in time as such a framework for future appointment, but that particular project is just under way. I noted in just last weekend's newspaper that there have been four appointments through that particular process and it is looked upon in quite a favourable light.

I think we might be a bit premature to rush towards such an implementation of a system which is still in a pilot project phase in another related type of area, and that is why we would be against this amendment.

I would like to indicate, in terms of the salary and what not, that is a process which members of the standing committee on administration of justice have just gone through, dealing with provincial court judges. It is important to realize that even before that came about, there was much done on an informal basis.

I think there is work that can be accomplished in terms of how best to address the issue of salary of justices of the peace, be they part-time or full-time. I am not convinced at this time that this is the best method to approach such an issue.

The amendments in terms of this bill before this Legislature deal in such a fundamental way with an overhaul of the justice of the peace system— Maybe the word “overhaul” is not right; in a re-creation of the justice of the peace system, I would think we have to give some time to being able to assess the service, evaluate the need, which we will be doing under this legislation; implement it, yes, on a regional basis, but after that has been accomplished, then to once more take a look and see whether the existing system can even then be improved.

There may be the possibility of taking a look at how salaries may be addressed. There may be room for that type of discussion. However, at this point in time, dealing with this particular amendment, I think it is premature. As such, I would be voting against the amendment.

**Mr Hampton:** I am disappointed to hear that the parliamentary assistant cannot support even part of the amendment, because it is certainly not rash.

I want to point out to the parliamentary assistant that nowhere in the amendments does it talk about the review council setting minimum qualifications or setting minimum education requirements or setting minimum experience requirements. It merely says they will have a role in recommending what they are. They will set up the guidelines, if you will.

Nor does it talk about the review council putting out in statutory terms what the recruiting procedures will be and what the identification procedures will be for the recruitment of new justices of the peace. It really says they will recommend what they shall be, that this will not change year to year by whims coming out of the Ministry of the Attorney General; that there will be a body there which the justices of the peace have some confidence in and that the public sees as separate from the Ministry of the Attorney General.

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Finally, once again, in terms of dealing with benefits and working conditions, all the amendment does is put in statutory form who shall conduct the review; it provides the mechanism for getting at the issue. One of the complaints that has been brought up time and time again by the justices of the peace is that there is no existing mechanism whereby they can even talk about this; it always seems to be on an ad hoc basis.

I want to ask the parliamentary assistant: Do members of the Legislature not have a mechanism whereby their wages, salaries and working conditions can be addressed? Do the teachers of Ontario not have a mechanism whereby those things can be addressed? Do public servants in the province not have a mechanism whereby their wages, salaries and working conditions can be addressed?

He has just stated that provincial court judges now have a mechanism whereby their wages, salaries and working conditions can be addressed. At this point in time, when it is most appropriate, why is the government opposed to providing a mechanism for the justices of the peace? It is merely a mechanism for rational communication and rational discussion of some very difficult and cumbersome financial and other information. All of the other groups have it; why not the justices of the peace as well?

**Mr Sterling:** If this were a minority Parliament, the government would give this amendment because—

**Hon Mr Grandmaitre:** Which side?

**Mr Sterling:** It would not matter which party was putting it forward. It is a justice piece of legislation, relatively unpolitical; there is very little politics really associated with it.

**Hon Mr Grandmaitre:** It depends.

**Mr Sterling:** I do not think the amendment put forward by the member for Rainy River is politically motivated; it is trying to take the Mewett report and put it forward. I say to the parliamentary assistant, he could show a lot less arrogance in the government's attitude by accepting amendments like this.

**Mr Offer:** I think it is important that we recognize that through this legislation we are moving on many of the recommendations by Mewett and that there has been a great deal of consultation. But I think it is also important to recognize, as I was discussing, that yes, I was speaking in opposition to the amendment, but I wanted to indicate that what this particular bill before the Legislature is designed to do is really to rework the whole justice of the peace system.



There are many different items and matters that are going to have to be considered.

The matter raised by the member through this amendment, I believe, is one which I do not reject, but rather state that I believe it may be premature when one is dealing with such a reworking of the justice of the peace system, the likes of which we have not seen in many years. It may very well be a matter and an issue that is properly brought up and properly addressed some time in the future, but I say to the members, let us get this system up and running. Let us allow the justice of the peace co-ordinator, the person in that new role, to travel and to deal with what is necessary, what is available, how the services are best provided and how they can be provided, keeping in mind the particular needs not only of the justices of the peace but also of the people of the province.

I think that is something which has to be done. That is what this legislation is designed to accomplish. I note in fairness that in second reading by the House there was agreement in principle on this legislation by all members. I think the amendment proposed by the member for Rainy River in terms of the salary discussions is one which may be best addressed in the future. Let us get this system up and running and implemented and then direct our minds to that particular issue.

**Mr Hampton:** I still did not hear an answer to my question. A lot of the other important organizations and bodies in this province have salary determination mechanisms. The public servant who is assisting the parliamentary assistant right now has a mechanism whereby his salary, wages, working conditions and pension may be addressed. Members of this Legislature have a mechanism where those issues may be addressed. Provincial court judges have a mechanism whereby those issues may be addressed. Why do justices of the peace not have now nor in this bill the same mechanism whereby at least those discussions can be carried on?

**Mr Offer:** In response, I believe I responded to the concern of the member for Rainy River earlier. I am taking it as a given that he is not going to be satisfied with my response.

Notwithstanding that that was my response, we believe there is room for addressing that particular issue, but first, let's put this new system in place, up and running. Let's do it effectively, expeditiously and as inexpensively in terms of its operation as possible, and let's see how this will work. Professor Mewett believes it will.

**Mr Sterling:** This government has some very overpowering changes to the standing orders. Why not just do away with all debate in the Legislature? Why not do away with amending or putting forward amendments during the Legislature? If, in fact, as the parliamentary assistant has said, he cannot really find any objections to this particular amendment, why not just alter the whole thing so that we will not be here all summer?

Why should the opposition take its job seriously when the government does not take its job seriously in listening to debate and considering amendments which are soft? I call this particular amendment a soft amendment, because it is not hard in saying the government has to do a number of things that are going to cost a lot of money. This amendment picks up on the Mewett report.

Mr Hampton has said we can make this particular act better by putting this section in, and I think he is right. I just think it is too bad that the arrogance of this government is such that it will not accept reasonable amendments such as the member for Rainy River has put forward.

**The Deputy Chairman:** May I now put the question? Is it the pleasure of the committee that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

Section 10 agreed to.

L'article 10 est adopté.

Sections 11 and 12 agreed to.

Les articles 11 et 12 sont adoptés.

Section/article 13:

**The Deputy Chairman:** We have a government amendment.

Mr Offer moves that section 13 of the bill be amended by renumbering subsections (2) to (7) as subsections 13a(1) to (6) and by adding to section 13 the following subsections:

"(2) The co-ordinator shall hold office for five years.

"(3) If a successor is not appointed within five years, the co-ordinator shall continue in office until the successor is appointed, but in no case shall the co-ordinator hold office for more than seven years.

"(4) A co-ordinator whose term of office expires under subsection (2) or (3) shall continue to hold the office of provincial judge and is

entitled to an annual salary equal to the greater of,

"(a) the current annual salary of a provincial judge; or

"(b) the annual salary he or she received immediately before ceasing to be co-ordinator.

"(5) A co-ordinator whose term of office expires under subsection (2) or (3) shall not be reappointed as co-ordinator."

Discussion?

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**Mr Offer:** I think it is somewhat self-explanatory, but the amendment establishes a five-year term for the office of the co-ordinator subject to an automatic extension of up to seven years until a successor is appointed. After the expiry of the co-ordinator's term, he or she will be returned to an ordinary provincial judge. The amendment also guarantees that the co-ordinator will not suffer a loss of salary at the end of his or her term.

Basically, I know that my colleagues, especially opposition critics, in dealing currently with Bill 2 and Bill 3 in the Legislature, will know that this particular section is almost identical to that proposed under the amendments to the Courts of Justice Act.

**Mr Sterling:** I just want to indicate our reasonableness in dealing with this amendment.

Motion agreed to.

**Mrs Cunningham:** Could I ask a question in response to the parliamentary assistant when he talked about the reference to Bill 2 and Bill 3? Could I ask a question in reference to the section 13 amendment in relation to section 9?

In clauses 9(1)(d) and (e) of the bill, there are no provisions for rotation as there are for subsections (a), (b) and (c) of that bill as it relates back to Bill 2. The parliamentary assistant is talking about consistency. I am just wondering if the government gave that any thought or if it is something he should also be amending at this time to be consistent with Bill 2.

**Mr Offer:** I think the member is comparing the judicial council with the courts management committee under Bill 2. The composition, the structure and the function are much different in those particular committees. Under the courts management committee in Bill 2, which is one that is currently before the standing committee on administration of justice, there is a rotation, whereas under this committee there is not.

I think the question was whether we have directed our minds to that. I think the response is clear in that the functions of the committees are

very much different and a rotation would not be as workable in this particular review council as it is in the courts management committee under Bill 2.

Section 13, as amended, agreed to.

L'article 13, modifié, est adopté.

Section/article 14:

**The Deputy Chairman:** Mr Offer moves that clauses 14(1)(c), (d) and (e) of the bill be struck out and the following substituted therefor:

"(c) holding a preliminary inquiry under part XVIII of the Criminal Code (Canada);

"(d) exercising jurisdiction under section 67 (reading proclamation at riot), paragraph 537(1)(b) or subsection 537(2) or (3) (where accused may be mentally ill) or section 543 (remand where offence committed in another jurisdiction) of the Criminal Code (Canada)."

**Mr Offer:** Just to be clear, there is no change in the substance of this amendment in terms of what is now in the bill, save as to reflect the new Revised Statutes of Canada which have resulted in changes to section numbers of federal statutes.

Motion agreed to.

Section 14, as amended, agreed to.

L'article 14, modifié, est adopté.

Section/article 15:

**The Deputy Chairman:** Mr Offer moves that clause 15(d) of the bill be struck out and the following substituted therefor:

"(d) exercising jurisdiction under section 7 (plea of guilty with representations) or 9 or 19 (default conviction) of the Provincial Offences Act."

**Mr Offer:** What this amendment does is add section 7 of the Provincial Offences Act to the list of functions that shall not be assigned to nonpresiding justices of the peace.

**Mr Sterling:** Could I ask what section 7 of the Provincial Offences Act says?

**Mr Offer:** Yes. Section 7 is basically a walk-in guilty plea; basically what one is doing involves a determination of guilt and the imposition of a penalty. In those respects, it is similar to a default conviction, which is already referred to in the bill.

Motion agreed to.

Section 15, as amended, agreed to.

L'article 15, modifié, est adopté.

Section/article 16:

**The Deputy Chairman:** Earlier, it was stated by the parliamentary assistant that he wished to delete subsection 16(4). Is that correct?



**Mr Offer:** That is correct. I am not certain about the best procedural way to do that, except to vote against it.

**The Deputy Chairman:** Mr Offer moves that subsection 16(4) be deleted from the bill.

**Mr Sterling:** I have some comments with regard to subsection 16(3). I would hope the parliamentary assistant would consider deleting subsection 16(3) as well. I do not understand the reason for putting this in. I think it leaves the justices of the peace in a bit of a conundrum in terms of their duties.

Subsection 16(3) reads: "Justices of the peace shall assist members of the public, at their request, in formulating informations in respect of offences."

What happens at present is that someone comes into the office of a justice of the peace; I will use the example of a domestic assault situation, because that is a common occurrence for justices of the peace here in the province every day. The justice of the peace takes down the information given by the complainant, and after the justice of the peace has written down in correct form what the complaint is, the complainant swears that in front of the justice of the peace.

The complainant then goes to the crown attorney and says, "I have sworn out an information against such and such party for assaulting me." Then the crown attorney picks up that document, has it served, I guess by the police, and the trial ensues at a later date.

When the accused is brought into the court, if the information is not correct, then the case can fall apart on the basis of the information. The problem with putting subsection 16(3) in is that you are asking someone who is supposed to be nonpartisan in the judicial process to be partisan in the judicial process. You are asking the JP to formulate an information on which the complainant or the crown's case is going to either live or die.

It is not too bad a situation where there is an occurrence which happens on a repeated basis; the domestic assault, unfortunately, does repeat itself. But the problem the justices of the peace have is when an informant comes forward and wants to swear an information where there is a difficult point of law, where the information cannot be found in terms of precedents in the back of the Criminal Code.

Therefore there is a problem of a JP writing down an information and there is a very real chance at a later stage in a small number of cases of its being thrown out because it is out of the ordinary. I think in those cases, the JP should

refer the informant to the crown attorney to have the information drawn there and taken forward by the crown attorney.

I would just like the parliamentary assistant to respond to my concerns as to why he sees subsection 16(3) as being necessary in the act.

**The Deputy Chairman:** In view of the hour—

**Hon Mr Conway:** I know this has been a very productive discussion and it would be my hope that we could possibly finish the committee stage of Bill 93. I do not know how much is left; I gather not a great deal. I do not want to stretch patience, but if it were possible, I would like very much to get permission to finish this up this afternoon.

**Mr Sterling:** Unfortunately, I have another function later. I would not mind finishing this particular section so that we can deal with the discussion herein.

**The Deputy Chairman:** The motion has been made by Mr Offer that subsection 16(4) of the bill be deleted. Is it the pleasure of the committee that the motion carry?

Motion agreed to.

**The Deputy Chairman:** Shall section 16, as amended, stand as part of the bill?

**Mr Sterling:** I have asked for a response from the parliamentary assistant.

**Mr Offer:** Just briefly, and I recognize the point which has been brought forward, the corollary, of course, of not allowing people access to the justice of peace for some information is to ask, "If they have questions, where in the world will they be able to go?" What this particular subsection does is give the justice of peace an obligation to assist members.

But we also have to realize that within that, and contained within that, there is always a discretion to justices of the peace that if they find they are in a particularly complex matter or they feel there is a matter which might come back in terms of future proceedings, they can always ask the particular member of the public to go to a crown attorney to get some advice. There is always that discretion, always that type of movement that justices of the peace have.

In terms of this particular subsection, what we are really doing is saying that yes, if somebody from the public has some questions about how to fill out an information, please, the justices of the peace have an obligation to assist. Always keep in mind that the justice of the peace does have the final say in saying, "Listen, I think that maybe you should discuss this matter with the crown attorney."

**The Deputy Chairman:** Shall section 16, as amended, stand as part of the bill?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Section 16, as amended, agreed to.

L'article 16, modifié, est adopté.

On motion by Mr Conway, the committee of the whole House reported progress.

À la suite d'une motion présentée par M. Conway, l'étude du projet de loi en comité plénier de la Chambre est ajournée.

The House adjourned at 1804.



## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

Second Session, 34th Parliament

**Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC**

- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
 Beer, Charles (York North L)  
 Black, Kenneth H. (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon James J.**, Minister of the Environment (St Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breagh, Michael J. (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon Elinor**, Minister of Health (Oriole L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
 Collins, Shirley (Wentworth East L)  
**Conway, Hon Sean G.**, Minister of Mines (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L. (Durham East PC)  
**Curling, Hon Alvin**, Minister of Skills Development (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St Catharines-Brock L)  
**Eakins, Hon John F.**, Minister of Municipal Affairs (Victoria-Haliburton L)  
**Edighoffer, Hon Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon Murray J.**, Chairman of the Management Board of Cabinet and Minister of Financial Institutions (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)  
**Fontaine, Hon René**, Minister of Northern Development (Cochrane North L)  
**Fulton, Hon Ed**, Minister of Transportation (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
**Grandmaitre, Hon Bernard C.**, Minister of Revenue (Ottawa East L)  
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)  
 Haggerty, Ray (Niagara South L)  
 Hampton, Howard (Rainy River NDP)  
 Harris, Michael D. (Nipissing PC)  
 Hart, Christine E. (York East L)  
 Henderson, D. James (Etobicoke-Humber L)  
**Hošek, Hon Chaviva**, Minister of Housing (Oakwood L)  
 Jackson, Cameron (Burlington South PC)  
 Johnson, Jack (Wellington PC)  
 Johnston, Richard F. (Scarborough West NDP)  
 Kanter, Ron (St Andrew-St Patrick L)  
**Kerrio, Hon Vincent G.**, Minister of Natural Resources (Niagara Falls L)  
 Keyes, Kenneth A. (Kingston and The Islands L)  
 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
**Kwinter, Hon Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
 Laughren, Floyd (Nickel Belt NDP)  
 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
 Lipsett, Ron (Grey L)  
 Lupusella, Tony (Dovercourt L)  
 MacDonald, Keith (Prince Edward-Lennox L)  
 Mackenzie, Bob (Hamilton East NDP)  
 Mahoney, Steven W. (Mississauga West L)  
**Mancini, Hon Remo**, Minister without Portfolio (Essex South L)  
 Marland, Margaret (Mississauga South PC)  
 Martel, Shelley (Sudbury East NDP)  
 Matrundola, Gino (Willowdale L)  
 McCague, George R. (Simcoe West PC)  
 McClelland, Carman (Brampton North L)  
 McGuigan, James F. (Essex-Kent L)  
 McGuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)  
**McLeod, Hon Lyn**, Minister of Colleges and Universities (Fort William L)  
 Miclash, Frank (Kenora L)

- Miller, Gordon I.** (Norfolk L)  
**Morin, Gilles E.** (Carleton East L)  
**Morin-Strom, Karl E.** (Sault Ste Marie NDP)  
**Neumann, David E.** (Brantford L)  
**Nicholas, Cindy** (Scarborough Centre L)  
**Nixon, J. Bradford** (York Mills L)  
**Nixon, Hon Robert F.,** Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)  
**Oddie Munro, Hon Lily,** Minister of Culture and Communications (Hamilton Centre L)  
**Offer, Steven** (Mississauga North L)  
**O'Neil, Hon Hugh P.,** Minister of Tourism and Recreation (Quinte L)  
**O'Neill, Yvonne** (Ottawa-Rideau L)  
**Owen, Bruce** (Simcoe Centre L)  
**Patten, Hon Richard,** Minister of Government Services (Ottawa Centre L)  
**Pelissero, Harry E.** (Lincoln L)  
**Peterson, Hon David R.,** Premier and President of the Council and Minister of Intergovernmental Affairs (London Centre L)  
**Philip, Ed** (Etobicoke-Rexdale NDP)  
**Phillips, Hon Gerry,** Minister of Citizenship (Scarborough-Agincourt L)  
**Poirier, Jean,** Deputy Speaker and Chairman of the Committees of the Whole House (Prescott and Russell L)  
**Pollock, Jim** (Hastings-Peterborough PC)  
**Polsinelli, Claudio** (Yorkview L)  
**Poole, Dianne** (Eglinton L)  
**Pope, Alan W.** (Cochrane South PC)  
**Pouliot, Gilles** (Lake Nipigon NDP)  
**Rae, Bob** (York South NDP)  
**Ramsay, Hon David,** Minister of Correctional Services (Timiskaming L)  
**Ray, Michael C.,** Deputy Chairman of the Committees of the Whole House (Windsor-Walkerville L)  
**Reville, David** (Riverdale NDP)  
**Reycraft, Douglas R.** (Middlesex L)  
**Riddell, Hon Jack,** Minister of Agriculture and Food (Huron L)  
**Roberts, Marietta L. D.** (Elgin L)  
**Runciman, Robert W.** (Leeds-Grenville PC)  
**Ruprecht, Tony** (Parkdale L)  
**Scott, Hon Ian G.,** Attorney General and acting Solicitor General and minister responsible for native affairs (St George-St David L)  
**Smith, David W.** (Lambton L)  
**Smith, E. Joan,** (London South L)  
**Sola, John** (Mississauga East L)  
**Sorbara, Hon Gregory S.,** Minister of Labour (York Centre L)  
**South, Larry** (Frontenac-Addington L)  
**Sterling, Norman W.** (Carleton PC)  
**Stoner, Norah** (Durham West L)  
**Sullivan, Barbara** (Halton Centre L)  
**Sweeney, Hon John,** Minister of Community and Social Services (Kitchener-Wilmot L)  
**Tatham, Charlie** (Oxford L)  
**Velshi, Murad** (Don Mills L)  
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**Ward, Hon Christopher C.,** Minister of Education (Wentworth North L)  
**Wildman, Bud** (Algoma NDP)  
**Wilson, Hon Mavis,** Minister without Portfolio (Dufferin-Peel L)  
**Wiseman, Douglas J.** (Lanark-Renfrew PC)  
**Wong, Hon Robert C.,** Minister of Energy (Fort York L)  
**Wrye, Hon William,** Minister of Consumer and Commercial Relations (Windsor-Sandwich L)

\*The alphabetical list of members appears in each issue. Lists of the members of the executive council, parliamentary assistants and members of committees, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.



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No. 39

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Second Session, 34th Parliament**  
Tuesday 11 July 1989

Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 11 July 1989

The House met at 1330.

Prayers.

## ANNUAL REPORT, EXECUTIVE DIRECTOR, ONTARIO LEGISLATIVE LIBRARY

**The Speaker:** I beg to inform the House that today I have laid upon the table the annual report of the executive director of the legislative library for the year ended 31 March 1989.

## MEMBERS' STATEMENTS

### PROGRAM FOR OLDER WORKER ADJUSTMENT

**Mr Farnan:** There was a time when workers enjoyed some sense of job security. My grandfather and father were bakers and were employed for the greater part of their working life with the one company. Workers could be almost guaranteed completing their working life with their company and enjoying their accumulated pension benefits.

Today, companies are less stable. They appear like mushrooms and as quickly disappear. Corporate rationalizations, mergers, takeovers and bankruptcies are the justification, and the free trade agreement has accelerated this trend.

Governments have a responsibility in this climate to protect workers' benefits and to develop retraining and transition programs. Particularly vulnerable are older workers between the ages of 55 and 64 who have little prospect of re-employment following a major layoff.

The program for older worker adjustment is such a program. It is funded by federal and provincial governments. However, while eight provinces have agreed to participate, Ontario and British Columbia are still only at the negotiating stage. Thus, in Canada's most industrialized province with the greatest number of dislocated workers, the program is unavailable.

While the right-wing governments—Social Credit in British Columbia and Liberal in Ontario—drag their heels, provinces like Newfoundland, Prince Edward Island and Saskatchewan have already negotiated entry into the program. Is it not time this Liberal government

took seriously the plight of Ontario's older workers? Ontario should be a leader in this field and not a follower.

## LUMBER INDUSTRY

**Mr Eves:** I am rising today to present another batch of letters to the Minister of Natural Resources (Mr Kerrio) with respect to the prospective closing of the G. W. Martin Lumber mills in the Mattawa and Rutherglen area of our riding.

"Dear Vince:

"I am writing on behalf of the employees of G. W. Martin Lumber Co., in regard to the proposed sale of the Mattawa processing mills to Tembec of Montreal.

"As you can see from the enclosed letters, the employees are deeply concerned as to the outcome of these negotiations. I agree with their concerns that the timber must remain in Mattawa to be processed. As such, this must be made a condition of the transfer of licences to the buyer of the G. W. Martin mills in Mattawa and Rutherglen.

"As this sale is scheduled to close on July 14, 1989"—which is this Friday—"I would ask that you act immediately on this matter to ensure the future economy of Mattawa and the surrounding area."

Later today I will be introducing three petitions signed by 1,021 people in the Mattawa area. I might point out to the Legislature the entire population of Mattawa is about 2,500 people.

This is indeed a very serious matter. The minister has referred me to his timber director, who says he can only guarantee that the timber will be processed in Ontario, not in the Mattawa area.

While this may not be of serious concern to the Minister of Natural Resources or to the director of timber management for the ministry, it is a very serious concern of mine that a municipality the size of Mattawa may in fact be losing its entire identity due to lack of action.

ROXANNE POIRIER

**Mr Cleary:** It is with great pleasure that I introduce a young constituent of mine from



Cornwall, Roxanne Poirier. Roxanne and her parents are with us today in the east gallery.

As a result of a contest held in my Queen's Park Report that was open to all elementary schoolchildren, Roxanne is the recipient of a day at Queen's Park. I feel Roxanne must be commended on her initiative and ambition.

I am sure that you, Mr Speaker, and all my colleagues share in the joy of seeing such an enthusiastic, bright young lady spending the day with us, learning from firsthand experience, so I am sure that I may extend my welcome and the welcome of all the other members to Roxanne and her parents, Rita and Claude Poirier.

### MINE CLOSURES

**Mr Pouliot:** I would like to bring to the government's attention the most unfortunate situation of gold miners in the township of Virginiatown, a community in northeastern Ontario. Maybe the Treasurer (Mr R. F. Nixon) can remember northern Ontario.

The problems in the north have not gone away just because the Liberals are under some stress, having created their own problems in the greater Toronto area; 700 workers in Temagami and Kirkland Lake will be out in the street when the mines in those two towns shut down next year.

Now we have the Golden Shield mine in Virginiatown: 300 workers were brought from underground two weeks ago and were told that the mine was going bankrupt. There was no notice and no severance pay. Worse than that, the company was not going to pay back wages for outstanding wages. So on 5 July the workers blocked the front gate of the mine, keeping a Brink's truck with some 47 pounds of gold hostage so that they could get their back pay.

When will this government stop paying lipservice to the north, start enforcing its own laws and start monitoring compliance so that this kind of tragedy, in the year of our Lord 1989, will never repeat itself?

### STUDENT RESIDENCES

**Mr Jackson:** On 16 September 1988 the Minister of Colleges and Universities (Mrs McLeod) announced that community colleges would be allowed to build student residences.

When the college system was created in 1965, only northern Ontario colleges were allowed to build residences because the colleges were supposed to cater to students in their local community. Times have changed. Today, one third of the 95,000 full-time students have a

permanent address more than 40 kilometres away from the college they attend.

This was an important and welcome announcement that had the potential to go some way to help resolve the student accommodation crisis. Colleges, most of which have fully serviced and zoned land, were eager to pursue the idea of on-campus residences.

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However, like so many other Liberal announcements, this one was big on headlines and press conferences but short on delivery. To date, no college has touched the \$100 million in Canada pension plan funds that have been made available to finance the construction of student residences. The reason? Interest rates at 10.5 per cent are too high and a 20-year payback period is too short.

This program has been yet another Liberal public relations put-on. Community college students still have difficulty finding decent and affordable housing near their campus. When is the minister going to stop grabbing headlines and take the necessary practical steps to resolve this problem?

### SENIOR CITIZENS MONTH

**Ms Hart:** As we all know, June was Senior Citizens Month in Ontario. This is the time we set aside each year to focus on and celebrate the achievements of older Ontarians.

In East York, one of the highlights of seniors' month was the second annual Seniors' Games. These games offer an opportunity for residents of East York aged 55 and better to get together for some fun and friendly competition. This year, 300 seniors took part in the games. That is twice as many as last year.

Throughout the month of June participants demonstrated their physical and mental strengths in such activities as swimming, tennis, track and field, bowling, bridge, darts and euchre.

I would like to commend Foster Jevons, Jean Watson, Francis Tsai and Margaret Fairbanks for all of their hard work and dedication. These members of the executive of the Seniors' Games committee had been meeting regularly since last November to plan and organize this very enjoyable and successful event.

Congratulations to all of the seniors who took part in the East York Seniors' Games. Their energy and determination are an inspiration to us all.

### FOREST MANAGEMENT

**Mr Hampton:** There is a lot of news about government scandal in the press these days in

southern Ontario, but there is an even bigger scandal occurring in northern Ontario in the forest industries.

In the past two years, five to eight million tree seedlings have been destroyed at the Ministry of Natural Resources tree nursery in Thunder Bay. For what reason? A Ministry of Natural Resources spending freeze.

The government wants us to believe that it is doing more and better in reforestation, but independent professional foresters disagree fundamentally. As one private forester put it last Saturday in the Thunder Bay Times-News: "We are just creaming the forests up here. There are way more sites that require planting than are being planted."

The same private sector expert notes that in the past two years the land treated effectively for reforestation has dropped while the area harvested by industry has grown steadily. "Already a future crisis in wood supply is looming and now is no time to cut back in reforestation," he says.

But what do we get from the Minister of Natural Resources (Mr Kerrio)? More press releases of self-congratulation. The fact is the government capped its seedling replanting efforts at 160 million trees province-wide in 1987. Since then, the amount of cutover land has increased dramatically and a very high percentage of the seedlings that are planted do not grow.

**The Speaker:** The member's time has expired.

**Mr Hampton:** This government needs to cut the endless propaganda and get back to work in planting trees.

## STATEMENT BY THE MINISTRY

### SKILLS TRAINING

**Hon Mr Curling:** This morning I unveiled details of three new ministry programs aimed at drawing more young people into skilled occupations. These Youth Skills programs are traineeships, high school apprenticeships and summer trades experience.

We are supporting these programs with an initial budget of \$6.6 million. They are designed to meet the needs of the young people in Ontario and the future needs of business and labour.

My ministry recently released a survey, called Pathways, which details what happens to young people when they go directly from high school to the workplace. Often the young people we asked were not aware of how they could get skills training. The two thirds of our young people who go directly from high school to the workforce will be helped by these new programs. We offer

them new opportunities, new challenges and more choices in developing rewarding careers.

I am confident that our new Youth Skills programs are going to help change attitudes about skilled occupations.

I would like to give the members of the Legislature details on each of these programs.

The first is the Ontario traineeships program, which offers entry-level workers both on-the-job and formal classroom training in skills so they can meet the fast-changing needs of industry.

Government, educators, industry and labour will work together to identify skill requirements at the sectoral level and will develop training modules for use in traineeship programs. These programs are expected to last between one and two years.

Traineeship will be shorter, more customized and more flexible than formal apprenticeships and could include training in such wide-ranging areas as automotive, telecommunication equipment installers and hospitality.

The second Youth Skills program is a high school apprenticeship program. This will be open to senior high school students, who will be able to attend high school and train as apprentices at the same time. At the end of three years, these young men and women will have both their Ontario secondary school diploma and on-the-job credits toward becoming journeymen.

We have been working closely with the Ministry of Education on the development of these programs and interest among employers and school boards is already very high. For example, the Windsor, Timiskaming and Wellington school boards will be combining apprenticeship and school training programs starting this September.

This program will greatly increase attractiveness of apprenticeships and it will allow young people to graduate from high school with the skills necessary to embark on rewarding careers.

The third program is called summer trades experience. Today there are 30,000 employers training apprentices across the province. These employers will be eligible for a \$1,000 wage subsidy for each student they hire as learners in the trade.

With these three new programs in place, more training opportunities will now be available in high school and at the job-entry level.

They are an important addition to the ministry's already-established youth training strategy. This strategy includes an array of programs, including Futures, Start Up, the Environmental



Youth Corps and the summer employment programs.

I am confident that the initiatives I have outlined today will ensure that our young people will have more options to be better prepared for the jobs of tomorrow.

## RESPONSES

### SKILLS TRAINING

**Mr B. Rae:** Before the member for Scarborough West (Mr R. F. Johnston) replies, I simply want to indicate to the minister how strange I find it that we would now have yet another set of programs introduced to what is already an incredibly confusing array of programs whose success and takeup rate have really not been established at all.

In our view the critical problem, and it is the problem which has been identified by Mr de Grandpré at the federal level as well as by provincial studies, is not the fact that young people are unwilling to take up skilled trades and to take up the opportunities that are there; the major difficulty is that we still do not have a provincial-wide scheme which would require employers and groups of employers to provide for apprenticeship and training.

Until this government wakes up to the fact that we need to have a comprehensive plan that clearly establishes training as an obligation on the part of companies and not something they can simply opt into and opt out of at will, we will continue to have the major problem in training that we have.

I would remind the minister that this problem has been identified as recently as two weeks ago in the Premier's Council's report, where the clear implication of that report is this: that until the private sector wakes up to its obligations and until the government wakes up to its obligations with respect to the private sector, we will continue to have an absence of programs and an absence of a comprehensive approach, which is exactly what we need when it comes to training.

1350

**Mr R. F. Johnston:** I would like to join the remarks of my leader on this matter. It is of concern to me that if you look at the end of the statement, you see the minister listing the Futures program, Start Up, the Environmental Youth Corps and summer employment programs, all programs which are in great difficulty, have been underfunded badly and have been badly administered in the past—like the environmental program which was so badly undertaken last year, the Futures program which has been underspent now

several years in a row, and the summer employment programs which the minister knows he has cut back savagely on this summer before us—and then he introduces a hodgepodge of programs into the morass of programs around apprenticeship and training which have not been that successful in terms of this government.

I wonder why there is nothing in this statement about targets for women, the disabled and other groups with these particular programs. I see no wording in here about those matters that have been of some concern to the minister. I know his other programs were not meeting those targeted needs in the past and therefore have had targets placed on them, yet there is nothing placed on these matters brought before us.

To bring it into the context of what my leader has said, the thing I worry about in any training program, whether it is formal apprenticeship, quasi-apprenticeship or traineeships programs, is that unless we start to put it into the context of an overall strategy of what the role of unions, business and government is in terms of the training responsibilities all those sectors have, we will not meet the needs in a proper and organized fashion. We will have this sort of plethora of programs, often competing with each other and with no overall goal in mind.

**Mr Farnan:** If I could just add a comment to those of my colleagues, the minister has talked about different partners working together and it strikes me the minister would do well to apply this to the government cabinet. In a situation where we are looking for experiences for young people and the minister talks about a summer program of training for young people, we have one ministry saying it will introduce a program and at the same time we have another minister who has drastically reduced the junior ranger program, which would attract young people and give them experience in a field that could possibly be a career field for them.

It appears to me this government is at sea. It is at odds with itself. It does not know where it is going. One minister is just putting out some additions without any great substance and another minister is actually reducing programs. The reality of the matter is that what we have is a patchwork approach to training and it certainly is not satisfactory.

**Mrs Cunningham:** In responding as well to the announcement, which was made at a press conference this morning, I can only state that I would have been a whole lot happier if we had looked at a comprehensive plan for the delivery

of training programs for young people across Ontario.

Once again, we are looking at three small pieces that will cost the taxpayers of Ontario \$6.6 million, and to this point in time I can only see that 200 traineeships will be developed in the Ontario traineeships program. I am not certain, I have no idea how many students will be helped in the high school apprenticeship program for \$500,000—programs, by the way, that basically have been put in place by the school boards—and in the third summer trades experience that will not affect anybody this year. It does not start until next summer and we were looking to see what was going to happen with the money that was already cut out of this year's budget for this particular summer experience.

Over the next two years, we are looking at basically maybe 3,000 or 4,000 young people at the very most who will be helped in some way, not completing programs but having access to them. That objective is not good enough. We are talking about two or three years, so maybe 4,000 or 5,000 students at the very most will be beginning programs, not completing them, and it is simply not good enough.

In looking at the dollars, \$4.5 million is to be used in year one to create 200 traineeship positions in the Ontario traineeships program. That works out, and the minister is welcome to correct me if I am wrong, to \$22,500 per position. That is a lot of money.

The minister expects to see some 5,000 positions created over the three years. If we look at 4,800 new positions—I am sure we must be wrong here on the math; I would love to be corrected by somebody—in years two and three, that means \$108 million committed to that program, given the mathematics we have seen presented to us this afternoon and earlier today.

In the high school apprenticeship program, I have said before that \$500,000 between three school boards—these are pilots. I am just wondering where the long-term objective is. Whom did the minister talk to? Where is the commitment on behalf of unions, school boards, colleges, business and industry? Is this a big plan, a focus? Is this a comprehensive plan for training? I doubt it.

I think what we have here is exactly what the school boards were told earlier in June this year at a meeting called school-workplace apprenticeship program—I try to stay up to date; it is called SWAP—where the program was described, based on pilot programs that are already taking place.

On the summer trades experience, we are particularly disappointed. That is great; we are looking at something for the summer of 1990. This year, this same type of program was cut back. We have employers calling us all the time asking: "Where is the assistance to employers with young people? We were able to do this in the last two or three years. There was a cutback. There is no money available this year."

Basically, the bottom line is that the minister is trying. Unfortunately, he is trying in a way that is really just providing lipservice to programs that deserve a real, comprehensive commitment on behalf of many parts of our industry, colleges, universities, schools and families, and we just do not see it here today. I am particularly disappointed.

**Mr Harris:** I really question the Treasurer (Mr R. F. Nixon) and the Chairman of the Management Board of Cabinet (Mr Elston) allowing this hodgepodge, this myriad of programs. The minister himself calls it an "array of programs," none of which has worked so far, wasting millions and millions and millions of dollars, as a number of my colleagues in both parties on this side of the House have pointed out. There is no game plan. There is no overall goal. There is no objective. There is nothing to measure any of these programs by.

I understand the minister. I do not think he knows what he is doing; neither does the ministry. It is apparent from talking to people in the field all over this province that it is a total and unmitigated disaster: this minister, the whole ministry and all of the programs. Why the government is now wasting another \$6.6 million is beyond me.

## ORAL QUESTIONS

### WASTE MANAGEMENT

**Mr B. Rae:** I have some questions for the Premier about garbage. The Premier has tried to pretend over the last number of days, indeed going back several months, that he knows very little about this, that it is a subject that is entirely the responsibility of the municipalities and that it has nothing to do with the province or with his responsibilities as Premier.

I wonder how the Premier squares that with the simple facts of the matter, the fact that in their statement in March the five regional chairmen, talking about the long-term plan for the management of solid waste, said there had to be an approach with the province, stressed there had to be a new authority on waste management that would be created by provincial legislation, and



the simple fact that it is the government of Ontario that up until last Friday has been paying for all the work of the joint chairmen with regard to the question of garbage.

1400

**Hon Mr Peterson:** What is the big surprise? Has the member got some magic revelation there? I cannot understand why he is so surprised and excited.

Let me take the member back a little bit. As he knows, landfill sites and garbage are a regional responsibility. As he knows, there are a lot of pressures in a lot of areas—I will not get into all the details but he knows them as well—every time there is a landfill site. We are taking a new, co-ordinated approach to planning through the greater Toronto area, through transportation, landfill and various other programs of the government.

It was our view that we should try to assist, if possible. We got the regional chairmen together and said, "Would you like us to sit down with you and look at ways of co-ordinating programs and using our infrastructure to assist, recognizing that ultimately the power is yours and that whatever we do, if we do anything, will have to be in a sense of delegated responsibility from you with mutual agreement?"

I remember sitting down with the regional chairmen. They said: "Isn't this wonderful? This is the first time we've all sat down together and talked about this and isn't it time for a co-ordinated approach?" Then we went, as the member knows, and had a joint meeting with many municipal councillors from across the greater Toronto area, many people who have been concerned about this problem, and we agreed to take a co-ordinated approach to this matter.

At this moment, it has not been formalized. There are still discussions going on. As I said, if in fact a public-sector/private-sector proposal is put together, if a regional authority is created—

**The Speaker:** Thank you. Order. That is a fairly full answer.

**Mr B. Rae:** Just so the Premier will understand what the big deal is, the big deal is that a contract worth billions of dollars for the disposal of garbage is going to be bid on by a number of individuals. There is going to be a call for tenders and somebody has to decide who gets the job and how they get it.

What I am asking the Premier is this: What is the authority and what is the power of the group of individuals who are going to be asking for expressions of interest, and once they have done

that, considering which is the best proposal? I might add, does the Premier realize how unaccountable and how completely undemocratic the process has been up until now?

**Hon Mr Peterson:** I think what the member is saying is nonsense, honestly. I know it is getting late in the year and he may have run out of questions, but let me tell him that what he is saying is nonsense. I say to the member that when he stands in here and gives the impression that some contract has been awarded, he is deliberately distorting the truth. There may or may not be—

**The Speaker:** Order. Please, will you withdraw?

**Hon Mr Peterson:** Yes.

**The Speaker:** Thank you.

**Hon Mr Peterson:** How can I say as clearly as possible that the leader of Her Majesty's loyal opposition is saying things that do not conform with the facts, that he is developing his own analysis of truth which is so far off the mark as to detract from his own credibility. I am trying hard not to say anything that is unparliamentary, but I think it is important that we clear up his ideas on this matter.

**Mr B. Rae:** I am trying to get the Premier to answer some very basic questions. On one day in this House the Premier says: "It is not my decision. It has nothing to do with me." The next day he admits, as we can document—when the budget of Gardner Church's empire, which is responsible to the minister, goes from \$7,000 in 1987-88 to \$2.4 million over a two-year period, an increase of over 30,000 per cent in that two-year period, and the Premier then turns around and says it has nothing to do with him, it just will not wash.

It has everything to do with him. It has everything to do with his government. What we are saying is that the decisions on who gets what contract should be accountable, should be publicly accountable and should not be the subject of a private government or of a private arrangement that has no legislative authority whatsoever.

Perhaps I can then ask the Premier this question.

**The Speaker:** Is that your question?

**Mr B. Rae:** What is the legislated authority of this group of chairmen who are now going to be asking for bids from the private sector and from anybody else on a contract that is going to be worth billions of dollars?

**The Speaker:** Order.

**Mr B. Rae:** Under what legislation are they operating?

**Hon Mr Peterson:** I was sitting here listening to my honourable friend's allegation and the honourable Treasurer, whose advice I take on most occasions, said about my friend and I quote, "He's out to lunch." The member is so far out to lunch that honestly, I am surprised.

The member knows about the history of the GTA, about Mr Church's responsibilities and how we are co-ordinating in ways we have not done in the past with transportation, landfill, garbage disposal, social services and a wide variety of other areas. He would say that we have no responsibility, that we should not do anything. What is his point, that we should take it over legislatively or that we should not?

What we respect is the regional chairmen's responsibility and the role of their councils. Everything that has been done has been taken back to their councils. There has been wide consultation. There is no authority created at the moment, and I can tell the member that whatever is created, if anything is in the future, and/or any contracts are let—no decision has been made on that because there are still differences of opinion from those people on the subject—then we will share it all with him. Then he can stand up and criticize something that actually happened as opposed to some fantasy in his own mind.

**The Speaker:** New question, the Leader of the Opposition.

**Mr B. Rae:** It is a question of ensuring that what happens, happens in public, that what happens, happens in the public interest and that we do not have private deals made on behalf of private individuals—

**The Speaker:** The question.

**Mr B. Rae:** —and private corporations for the private benefit of those people and not for the benefit of the people of Ontario. The Premier does not have the authority now to make those decisions. That is a fact.

**The Speaker:** Order. Is that your question, that he does not have the responsibility? Was that your question?

**Mr B. Rae:** No. I have another one.

**The Speaker:** Please place it.

**Mr B. Rae:** I am interested now in discussing the question of the activities of the member for Mississauga West (Mr Mahoney) with respect to Envacc Resources's interests in this business. One of the people who was at the meeting on 23

June with the Premier and Mr Muzzo and a number of the other principals of Envacc, together with the member for Mississauga West, says that the Premier asked the member for Mississauga West to take a special interest in the Envacc project, to keep an eye on the project and to keep abreast of it, after which, as the Premier will know, the member for Mississauga West went to Japan on a trip that was financed by the Ministry of Transportation.

**The Speaker:** The question.

**Mr B. Rae:** I wonder if the Premier can explain the role of the member for Mississauga West with regard to Envacc Resources.

**Hon Mr Peterson:** He had a keen interest in waste disposal matters, as the member knows, when he was a councillor, and he still does. He was at the meeting. There were 15 or so people there. There was my staff and other people's staff. Most of the people in the room, I did not know. There was a slide presentation looking at some of the most modern technologies around the world. We are looking at alternatives and all of those will be shared with every other person who is interested in the whole question. The member for Mississauga West was at the meeting and he is looking at those possibilities, as well as many others, and will advise the government on these matters if and when decisions are made some time in the future.

**Mr B. Rae:** I wonder if the Premier can explain why the member for Mississauga West was given a special role with regard to this when apparently he is not even a member of the waste management steering committee of the Liberal caucus, which I understand has eight members on it, why the member for Mississauga West's trip was financed by the government and why he attended board meetings of Envacc Resources? Can the Premier explain any of those facts?

**Hon Mr Peterson:** He has a very strong interest in these matters and will be advising the government on this matter and others, if and when a decision is made with respect to the decisions of the regional chairmen.

**Mr B. Rae:** There is a contradiction between the degree of interest the Premier and members of his caucus have taken in this particular proposal and his earlier answers in which he stresses that he is not the one who is going to be making the decision anyway.

My final question to the Premier is this: I wonder how the Premier feels about the fact that it was only the day before the member for Mississauga West wrote a letter to Hershell



Ezrin, dated 16 February 1988, that he discharged the second mortgage on his home, which in fact he owed to a company owned by Mr Muzzo. He discharges the mortgage on 15 February 1988 and he writes the Premier on 16 February 1988 asking for a meeting with regard to Envacc Resources.

**Hon Mr Peterson:** I am not aware of that, but my friend obviously has something in his mind. He is alleging that there is a conflict of interest, I think. I do not know what he is alleging, but I assume he is because he would not want to deliberately say something that would impugn a member's reputation. Why would he not refer that to the Conflict of Interest Commissioner immediately for an immediate reference? Why would he not do that?

Interjections.

**The Speaker:** Order. Please allow other members to ask questions.

1410

**Mr Brandt:** My question is for the Premier as well. I want to ask the Premier, when there are a number of proponents of a particular development who are interested in government undertakings, does he feel it is appropriate when ministry officials send a rather comprehensive memo to one of the proponents, forgetting about all others interested in that particular development? Does the Premier think that is appropriate government action on his part?

**Hon Mr Peterson:** As far as I know, there are no secrets in this matter. It is open for all. Everybody knows about the situation. There have been endless meetings with all sorts of groups that may or may not be interested or have something to contribute to this problem.

I remember sitting in this House and being castigated by members opposite because they said we were not taking leadership in the matters of landfill and waste disposal. I can tell the member we are. Now he wants to have it both ways.

Let me tell the member something. It is a huge problem that has been looked at around the world in various different countries and in various different ways. We are obviously looking at the leading technologies in a lot of different areas and, at some point in the future, may make a decision that will respect the rights of the regional governments, which have the ultimate responsibility.

If they come to us and ask us for our help, we will do so. At this moment, we are co-ordinating the entire matter, working closely with the

regional councils. Surely any reasonable person looking at this would say we are fulfilling our responsibility and trying to solve a lot of problems that the member did not think of when he was the Minister of the Environment.

**Mr Brandt:** It is very interesting when one looks at and traces back some of the history of some of these things. Any reasonable person would think, with the greatest respect, that if the Premier were going to share information from a ministry, he would share that with all of those individuals who are interested in a particular proposal.

I want to bring to the Premier's attention still another one. This is Ronto Development. We already know of their links to Patti Starr and the proposed landfill site in Peel region. The Premier may well be interested in knowing that Ronto's lawyer was provided with an internal Ministry of the Environment memo outlining the government's position on its landfill proposal.

When the region, which the Premier talks about so constantly that he is co-operating with, found out about the memo, it asked for a copy from the Ministry of the Environment. They were told that memo was no longer the position of the ministry and they were given an updated memo. I have both the original and the altered memo.

**The Speaker:** The question?

**Mr Brandt:** It is interesting—

**The Speaker:** The question, please.

**Mr Brandt:** I appreciate your patience, Mr Speaker. I am getting to my question now.

**The Speaker:** I would appreciate it, because we are at about statement length in time.

**Mr Brandt:** I had to give some degree of background to this so that the Premier would know why I am asking the question.

**The Speaker:** And it has been put.

**Mr Brandt:** The paragraph that is changed in the memo says the ministry supports Ronto's approach, but it may be "politically difficult." I guess it is politically difficult.

**The Speaker:** And the question?

**Mr Brandt:** Does the Premier think that is proper conduct on the part of the ministry to change a memo and to provide that information to one proposal over others?

**Hon Mr Peterson:** My honourable friend has asked me a lot of questions about something I know nothing of. If he has some questions on the Ministry of the Environment, he should ask the very capable Minister of the Environment (Mr

Bradley), who will tell him the answer to the question.

**Mr Brandt:** I want to say that what has happened in this particular case is very simple. There were two memos that were sent out by the Ministry of the Environment with respect to a major undertaking in Peel. It is interesting that the only information that went out from the office of the Minister of the Environment—from the deputy minister, I believe, at that particular time—went to Ronto, the same firm that has generated such interest in this House over the past matter of weeks.

**Hon Mr Conway:** Is that a question?

**Mr Brandt:** I am quite prepared to ask a question of the Premier. Does he think it is appropriate, irrespective of who the developer is, to provide only one developer with information and not provide all with a fair opportunity to get all the information? Is that how his government operates?

**Hon Mr Peterson:** Let me tell my honourable friend: I remember Ronto. I remember that shortly after I was elected to this House in 1975, there was a major scandal involving Ronto and his government and a preferential tax position it gave to Ronto. That is what I remember about Ronto.

Let me tell my friend—and he may remember some of those details and he may want to discuss them in this House—I do not know about any special memo given to one special guy, but I can tell him that, as far as I know, the minister treats everybody with an absolutely even hand and shares all the information with everybody. There are no secrets here.

Good Lord, there are a lot of tough decisions that have to be made about landfill. They are all out in public. Members of the public have a chance to make their point of view known, as do various other people. My friend's attempt to create some kind of a conspiracy is, believe me, absolutely wrong in the circumstance, if I may say.

**Mr Brandt:** The Premier uses the words, "It is all out here for the public to see. There are no secrets, there are no walls, no barriers, everything is open, no closed doors," when in fact it is exactly the opposite. I have a memo in my hand which clearly deletes a paragraph of a letter. That paragraph of that particular letter points out very specifically that the Ministry of the Environment favoured the Ronto position but, back on 27 April 1987, it would be politically difficult.

Can the Premier tell me why it would be politically difficult for Ronto to be accepted as the developer of that particular landfill site if it was such an appropriate firm to undertake that particular matter at that time?

**Hon Mr Peterson:** Since the member is asking about it, why do I not refer it to the Minister of the Environment, who will give him the answer?

**Hon Mr Bradley:** The member will be aware that the people I have met with in this particular matter have in fact been the representatives of the regional municipality of Peel. They are the only people with whom I have discussed this matter at all.

The member would know, I think, as a member who once held this portfolio and as a person who observes the municipal scene very carefully, that there is a considerable division within the regional municipality of Peel as to who wants a landfill site and who does not want a landfill site.

Various municipal councillors have a position; various municipalities have a position. It seems to me, if my recollection is correct, that there was a case where Brampton was going to court at one time on this matter. I have discussed this with the regional municipality on a number of occasions, with a number of people who came in with the chairman, with the mayors of the various municipalities and with some of the regional councillors. I think that while they find it a difficult situation to deal with, they understand that the ministry is attempting to deal with this on as fair a basis as possible.

**Mr Brandt:** I say to the minister that they are not quite as pleased with the performance of the ministry as he might like to lead people to believe. They are extremely upset at the delay. It is interesting that this particular memo, which I am going to make available to the minister, carries with it the paragraph which is missing from the subsequent memo.

In that particular letter, which I am sending to the minister, he will note that it is a briefing document from the Ministry of the Environment. I and the members of this House want to know why one developer, Ronto, received that briefing note, and no one else, including the region.

**Hon Mr Bradley:** I think the region is aware of this particular situation and was some time ago. I think communication went from the then deputy minister, Rod McLeod, to the representatives of the region talking about this particular memo, that they are well aware of it and that certainly it has not been in any way significant to



any decisions which have been made in this connection. In fact, decisions have not been finalized.

The member is correct in assuming that this municipality and many municipalities are constantly annoyed with the Ministry of the Environment because of the very careful scrutiny we give to all these matters. The member himself has complained in this House on a number of occasions about the length of time it takes to get any kind of approval for landfill sites. He used to say we had not approved any.

I do not know whether he wants it approved or he does not want it approved, but this is an old matter which the municipality is certainly aware of. I think the deputy minister communicated with the municipality about this very matter, and that is public to the particular municipality.

**The Speaker:** Thank you.

**Hon Mr Bradley:** I think Mr McLeod some time ago communicated with them on this very matter.

1420

**Mr Brandt:** I want to assure the minister that I am not trying to dredge up some ancient piece of history here. What I am trying to point out to the minister is that we have a long-standing project which has yet to be approved and we find, as we look back into the files with respect to this matter, that we have an altered memo that went to only one developer.

What we are interested in seeing is—and I think the Premier would agree that this House has a responsibility to make sure that there is—a level playing field out there and that everyone has an equal chance at a project that will be of this size, that will probably end up being the second-largest landfill site in all of Ontario in terms of the population it will be serving.

If the minister is assured in his mind that this is in fact a level playing field with respect to the Peel situation, I want him to stand up and say that. Otherwise I want his assurance, through the Premier, that this matter will be referred to the public inquiry, to be reviewed with all of the other matters pertaining to Mr Ashworth and Mrs Starr as well as Tridel.

**The Speaker:** Order. Minister.

**Hon Mr Bradley:** Certainly, in terms of my involvement in this particular matter as the Minister of the Environment, I would say there is a very level playing field.

It has been a difficult circumstance for those municipalities. When you have the various municipal representatives sitting around the

table, you have one telling you one thing, you have others telling you other things, depending, I think, on—I am not certain if it is a ward system; the member may be familiar with whether it is represented by wards or not—whether the person wants things in his particular ward. That is a matter of great concern to him.

This matter is still before the Ministry of the Environment to make a final determination. There have been ongoing meetings with the region. I have met with the regional chairman, as I have indicated. I have met with the mayors of the municipalities that have been involved. As far as I recall, Mr McLeod wrote a letter to them about this particular memo, and I thought the matter had been straightened out a couple of years ago between the municipality and Mr McLeod.

## NEONATAL CARE

**Mr Reville:** My question is for the Minister of Health. In the last few days we have heard of five infants being born in circumstances that were less than desirable. In fact, the Hamilton newspapers talk about the Chedoke McMaster Hospitals' neonatal unit scrambling to make room for sick twins.

This situation has been responded to by the minister in her customary way, in which she responds to real life situations with bureaucratic and theoretical claptrap. Can the minister tell us if she has had an opportunity to read the report of the doctors at the regional perinatal program, which is entitled *The Impact of the State of the Neonatal Unit on the Regional Perinatal Program at Chedoke McMaster Hospitals*?

**Hon Mrs Caplan:** I can say to the member that the ministry always seeks the best possible advice as it looks at the perinatal network across the province. In fact we not only seek that advice; we meet with the hospitals on an ongoing basis to see how we can always look to improve what is a very good system.

**Mr Reville:** I am very pleased that the minister seeks good advice. How does she respond to the advice of Dr Whyte that the regional program is in a state of collapse? How does she respond to the fact that, for 15 hours this week, that unit had a "no care" status? In other words, any mother about to deliver high-risk children could not be served at all in that region for a period of 15 hours. Is that the kind of quality care as close to home as possible the minister is talking about?

**Hon Mrs Caplan:** We have discussed this on a number of occasions in this House, and as the member knows very well, there are some 13

hospitals that deliver this very highly specialized care around the province. These hospitals are connected by both land and air ambulances to make sure that a mother who is high-risk can be helped to the nearest available services. That is how the system works.

I can say to the member that occasionally the system is stressed because of the multiple births that we have been seeing in this province and that we work closely with the hospitals as well as with experts in the whole field of both perinatal and neonatal care. We have received a report from the Advisory Committee on Reproductive Care and we are always looking to see how we can improve the care which is available in particularly specialized areas across the province.

#### SALE OF PREMIER'S FAMILY BUSINESS

**Mr Runciman:** My question is to the Premier about the sale of his family company to Avinda Video.

Interjections.

**Mr Speaker:** Order.

**Mr Runciman:** Touchy subject, obviously.

From the start, we have had from the Premier a consistent series of evasive answers, nonanswers and refusals to face documented facts in response to questions in this House, not to mention unfair aspersions from the Premier on members who have had the temerity to ask questions.

On 28 July 1987, the Peterson family company entered into a \$3-million loan agreement with Marco Muzzo's company, Consolidated HCI Holdings Ltd. Does the Premier think that his family company ought to be entering into a \$3-million loan agreement with a large Ontario land developer? The Premier does not have to give us his usual evasion about the Conflict of Interest Commissioner, but just a simple yes or no.

**Hon Mr Peterson:** Mr Speaker, give me a break. I mean, really, the member's questions are just repetitive. I say to him that I have nothing to hide. If he wants to refer it to the conflict commissioner, he can do so. I told the member that my shares were in a blind trust at the time. I had nothing to do with the financing or anything else.

My honourable friend may have a different view of the matter. Let me say to him that he should refer it; he should stand up and refer it. He can take his allegations. I would be delighted to see it stand up to any scrutiny my friend opposite would like to put to it. No problem.

**Mr Runciman:** The Premier seems to have a blind spot when it comes to the appearance of his

own objectivity. He cannot appear objective in relation to Marco Muzzo when his family company agrees to borrow \$3 million from Mr Muzzo's company and the fact of that agreement is registered in the London land registry. That is a fact.

Once again, does the Premier think it was appropriate for his family company to enter into a \$3-million loan agreement with a large development firm headed by Mr Muzzo?

**Hon Mr Peterson:** It is obvious that I do not think there is anything improper, but it is obvious that the member does. So why does he not have the guts to stand up and send it to the conflict commissioner?

I have watched the member for years, as have his colleagues and mine. His colleagues use him because he is the only one over there who would stoop to ask a question like that. They know that he does not know the difference. We have watched him make these allegations for years around this House. They have never been substantiated and that is why what he says will never be backed up with facts.

But I can say that it is all there and I am comfortable to see it done. Why does the member not take it there, bring his allegations? I will be delighted to have a thorough scrutiny of that and everything else that goes on.

#### TELEPHONE SOLICITATIONS

**Mr South:** My question is to the Minister of Culture and Communications. There is a growing problem with the owners of fax machines, in that there is a great amount of unsolicited advertising that is dumped upon the owners of these machines and it is a real problem with the legitimate use. Does her ministry have any plans, any action in mind in regard to this?

**Hon Ms Oddie Munro:** Fax machines at present operate over telephone lines and the control over their usage is usually governed by the Canadian Radio-television and Telecommunications Commission. In the case of Ontario, we also have the Ontario Telephone Service Commission for independent telephone lines.

We as a ministry which has a communications branch are part of working committees across the provinces which do feed back to the federal Minister of Communications. We have also discussed this particular issue in the context of deliberations by the Ontario Telephone Service Commission. They are also trying to deal with the issue.

I agree with the member that it does cause a great deal of concern. I also understand that the



provincial Minister of Corporate and Consumer Relations is also taking a look into regulations governing solicitation by telephone lines.

**1430**

**Mr South:** There was recently a very good article in the *Globe and Mail* in regard to this very matter. It indicates that two states in the United States, Connecticut and Maryland, have already passed legislation in this regard. I am wondering if we could not form some kind of a committee or get the federal government to take some early action on what is becoming an increasing problem.

**Hon Ms Oddie Munro:** I think that is a very good suggestion and I am sure that all of the provinces will continue to work with the federal government, and also independently with the Canadian Radio-television and Telecommunications Commission.

I think it is also fair to say that some of the more significant telephone companies also have a role and responsibility in this issue, including Bell Canada. I assure the member, however, that I will take his suggestion to heart and let my officials know and, through them, the federal officials.

#### FIREFIGHTING

**Mr Wildman:** I have a question to the Minister of Labour regarding the decision of his ministry staff on the ruling on whether or not an unsafe situation exists for three-man fire crews, employees of the Ministry of Natural Resources in the northwest. The minister must be aware that his inspector has ruled that he cannot make a decision on whether or not an unsafe situation exists until the firefighters are actually at a fire at which they refuse to work.

Why is the ministry misinterpreting the Occupational Health and Safety Act? Is it to support the untenable policy of his colleague the Minister of Natural Resources (Mr Kerrio) in cutting the crews from five men to three men?

**Mr Pouliot:** Your colleague—

**Hon Mr Sorbara:** The member for Lake Nipigon (Mr Pouliot) does not want to hear the answer; he just wants to do a little shouting.

My friend the member for Algoma goes rather far out on a limb when he suggests that a Ministry of Labour health and safety inspector would decline to make a decision in order to support the policy of the Ministry of Natural Resources in changing from five-man fire crews to three-man fire crews. Surely my friend the member for Algoma would realize that an inspector's job is to

make a determination as to whether a particular working situation does or does not put a worker at risk and is, therefore, a violation of the Occupational Health and Safety Act.

The theoretical question as to whether or not it is or is not safe to work with three-man crews simply cannot be answered. For my friend the member for Algoma to make that suggestion in this House is, I think, rather to be regretted.

**Mr Hampton:** I wonder if the Minister of Labour could answer us this: These are initial-attack firefighters. Quite often what happens is a helicopter flies them in, drops them at the site of the fire and they are left there. If the fire is larger than anticipated or if weather conditions change, they are indeed in a very difficult situation.

What his ministry is saying, by his ruling is: "That is the fact; that is what has to happen. They have to be dropped at the fire." Does somebody have to be in imminent danger? Does the situation have to be where they have to turn around and flee before his ministry will make the ruling? If so, how does this stand in terms of other industries; the mining industry, for example? Does the danger have to be imminent before his ministry will make—

**The Speaker:** Thank you. I think two questions would be enough.

**Hon Mr Kerrio:** You drop two crews in there.

**Mr Wildman:** You're such a jerk. Why aren't you dropping two crews in there?

**Hon Mr Kerrio:** There are two crews in there. What is the matter with you people? You're all wacko. Two crews are six people, not three or four. You're all wacko over there.

Interjections.

**Hon Mr Sorbara:** Mr Speaker, I think probably a call to order—

Interjections.

**The Speaker:** This might be the appropriate time to remind all members of 24(b). That is a good standing order. When the Speaker recognizes a member to speak, then that member only should speak.

**Hon Mr Sorbara:** I simply want to tell my friend this: Obviously, we have to ensure in every way possible that when men and women are fighting fires in this province, they are doing it in a way that does not put them at undue risk.

I want to tell him that there may well be circumstances where a 7- or 10-man crew is confronting dangerous situations that those men ought not to be put in; but to ask me or an inspector a theoretical question as to whether de

facto, a priori, because there is a three-man crew that is unsafe is simply an unreasonable determination to ask an inspector to make.

We are monitoring that situation, we are working together with the Ministry of Natural Resources and it is our responsibility, and we will discharge that responsibility, to make sure that the firefighters are not fighting fires in a way that risks their own health and safety.

#### NEONATAL CARE

**Mr Jackson:** My question is to the Minister of Health and again it has to do with the matter of the neonatal intensive care bed crisis facing the southwestern region and the greater Hamilton area.

To date, the minister's defence of her government's declining financial commitment to this program is, first, that there are sufficient perinatal beds in the region, and in fact that is true, but my question has always been the need for neonatal beds. For all of the six children whose cases I have raised in the House in the last week there was a bed for the mother at Chedoke McMaster Hospitals, but they could not accept the mother because there was not a bed down the hall called a neonatal intensive care bed.

Her second defence was that there is an effective air ambulance system in this province, when in fact her own ministry is under review by the transport commission because of loss of life and injury due to that system.

The third argument is that she has a perinatal bed registry—

**The Speaker:** And the question might be?

**Mr Jackson:** My question to the minister is simply this: In the three years that the bed registry has been operational, and in the past year, has she or any member of her staff attended any meeting in this province to discuss the effectiveness or the utility of this bed registry system?

**Hon Mrs Caplan:** I know the member opposite would not want to deliberately distort the facts, so I will give them to him.

One, there is no declining financial commitment; two, we are working with the hospitals and always reviewing the needs; and I would ask him next time he rises in this House to make sure that in the text of his question at least he responds appropriately to what the facts are. The data in his question are wrong.

**Mr Jackson:** One of the classic distortions is the minister's consistent reference to 13 facilities offering level 3 neonatal care. Many of the hospitals she refers to in her commentary about the 13 hospitals are not funded by her ministry at

level 3. In fact, funding for emergency life-support programs is in decline in the neonatal units in this province. That will sustain any degree of scrutiny the minister would like to subject it to.

But my question has to do with the ministry's bed registry. Within the past six months there was an emergency meeting called for by the neonatologists in this province and the 13 special hospitals she has referenced because the bed registry program is not working. Doctors have been subjected to receptionists saying—

**The Speaker:** The question?

**Mr Jackson:** —when they call in with a life-or-death situation, "The person has gone to lunch; can you leave a message?"

Will the minister confirm to this House that in fact her own ministry has advised her the program is not working and that her own ministry is recommending to Management Board that it needs additional moneys to overhaul that system so it will finally work?

**Hon Mrs Caplan:** I would say to the member opposite that the only difference between the 13 hospitals providing perinatal care is the fact that some of them are considered modified units and that is because they are not affiliated with health science centres and do not have the research and educational components, but they all offer the same level of care. He is factually incorrect.

**Mr Jackson:** They're not getting funding. You're flying those people all over the province. You're distorting.

**The Speaker:** Order.

1440

**Hon Mrs Caplan:** Second, we are moving to computerize the registry system so that it can be even more effective. Right now, it is operating on a manual basis. The resources are available to make sure it is computerized so that all the physicians in this province will be able to have access to a system which works as effectively as possible to make sure that women in high-risk situations have access to the care they need as close to home as possible.

But the member is wrong. Let him stand up and say it.

Interjections.

**The Speaker:** I would like to inform the member for Burlington South and the Minister of Health that other members would like to—

Interjections.

**The Speaker:** Order.



## HEALTH PROFESSIONS

**Mr Neumann:** My question is also for the Minister of Health. Earlier this year, she tabled the report of the health professions legislation review. This report made a number of recommendations which could affect certain health care providers in this province.

At that time the minister indicated that she would be meeting with groups most affected by the proposals before introducing government legislation. How far along is she in this process and are the meetings with professionals still continuing?

**An hon member:** The minister refuses to answer.

**The Speaker:** Order. Do you think you could briefly summarize the question?

**Mr Neumann:** My question to the minister related to the health professions legislation review. I wanted to know, how far along is she in the process of consultation and are the meetings with the professionals still continuing?

**Hon Mrs Caplan:** First of all, I would like to acknowledge the member's interest in the health professions legislation review. As members know, this began some six years ago. The review was tabled in this House several months ago, and I made a commitment at that time that I would meet with all of the groups that wished to meet with me so that I could listen to them as they responded.

Some 40 groups have requested meetings. At this point in time, I have met with 20. I hope to complete the meetings by the fall.

**Mr Neumann:** The professionals had their opportunity for input to the review team, and now the same health care professionals have further input through their meetings with the minister. These delays, however, as worthy as they are, may have led to some concern and confusion among health care consumers, who wonder how the changes in the regulation of health care professions will affect them.

When will the minister be introducing government legislation regarding the health professions legislation review?

**Hon Mrs Caplan:** As the member knows, the package of legislation is probably one of the most significant and challenging packages of legislation, including, as recommended, some 22 individual pieces of legislation governing some 24 individual health professions.

I expect that there will be ongoing discussion and debate. I have been discussing this with the groups. What I have told them is that the

legislation could be tabled as early as the end of this year but, more realistically, it would be next year.

## HANDLING OF CONTAMINANTS

**Mr Mackenzie:** I have a question of the Minister of the Environment. Can the Minister of the Environment confirm that some 32 transformers, 3,000 to 4,000 litres of liquids that are potentially contaminated by polychlorinated biphenyls, as well as large quantities of asbestos are involved in the demolition of number 3 open hearth at Stelco? Can he produce any documentation or order approving the moving, handling or bagging of the asbestos and these various contaminants by Stelco or Triple M Construction?

**Hon Mr Bradley:** I will take the question as notice. I will be pleased to look into that and provide the member with all the necessary details. In his supplementary, he may have some further details for me.

**Mr Mackenzie:** I would be very interested to see the order. Can the minister tell us why the union and a Ministry of Labour inspector were ordered off the site if, as Stelco claims, both the Ministry of Labour and the Ministry of the Environment inspectors had visited the demolition area and approved the handling of the contaminants?

**Hon Mr Bradley:** I will include in my investigation for the member, and the information I will gather for him, both the information which he has provided in his initial question and the information in the supplementary. The facts that he has brought forward, I think, are worthy of further consideration, and I will report to him at the earliest opportunity.

## USE OF PUBLIC FUNDS

**Mr Harris:** To the Minister of Housing: A three-day conference was held last week at one of Canada's most luxurious resorts for 27 Ministry of Housing employees. Rates were \$302 per night. They spent 11 hours out of the three days on ministry business. The acting assistant deputy minister says, "Sure, there could be cheaper places," but he thinks it was a good use of taxpayers' money. Does the minister agree?

**Hon Ms Hošek:** The cost of \$20,000 for that meeting quoted in the *Globe and Mail* is incorrect. The cost of accommodation, meals and meeting rooms for the 28 people involved in this meeting was actually \$9,000, and I understand this is quite competitive with other appropriate facilities. I have also asked senior

staff to review the procedures that were taken in making this decision, and if there is any problem with that, there will be appropriate action taken.

**Mr Harris:** The question was: Does the minister think whatever the amount of money spent on this type of conference for these employees was appropriate?

**Hon Mr Elston:** That wasn't the question. Come on.

**Mr Harris:** That was the question. It is not my fault the minister never answers the questions.

**The Speaker:** Order. Interjections are out of order, so please do not respond to interjections.

**Mr Harris:** Thank you, Mr Speaker. I know those rascals are tough to control.

The most recent accounts filed by the Housing ministry include a \$57,470 tab at the five-star Briars resort and conference centre and one at the Horseshoe Valley resort for \$93,808. Spending on hotels and restaurants alone, over and above and not counting individual staff travel, comes to \$668,432. That does not include the \$20,000 jaunts, or whatever amount, to Arowhon Pines this year and last, because only items over \$30,000 are included in the Public Accounts. Why is the Ministry of Housing spending \$750,000 a year on luxury hotels and resorts?

**Hon Ms Hošek:** The references that the member has made to the various conferences that have been held by the Ministry of Housing, I will of course look into. He asked a question about a specific one and I answered it.

**Mr Harris:** I'm asking you now about The Briars. I'm asking you now about the Horseshoe Valley expenses.

**Hon Ms Hošek:** Excuse me. I would like to answer the member's question. You said it was \$20,000; I told you it was \$9,000. I would appreciate it if the member would repeat the truth when I tell it to him, instead of repeating an allegation.

Interjections.

**The Speaker:** Order.

**Hon Ms Hošek:** I will clearly and happily look at any of the other allegations the member has concern over. If he believes they are a problem, we will look into them.

Interjections.

**The Speaker:** Order. It is very difficult for another member to ask questions and be heard.

#### RENT REGULATION

**Mr Faubert:** My question is to the Minister of Housing. I compliment her on her last answer.

Last evening I met with the tenants' association of 2700 and 2702 Lawrence Avenue East in my riding of Scarborough-Ellesmere. One of their concerns is that their landlord is attempting to charge tenants in this building who have window air conditioners an extra fee above their rent. Such a charge seems to be quite unfair. I am even more concerned that seniors on fixed incomes who reside in this building may be unable to afford the extra charge and their health may be jeopardized in these times of hot weather.

Can the minister advise the House if such extra charges are legal under the province's rent review legislation?

**Hon Ms Hošek:** I thank the member for notice of the question. It is illegal for a landlord to charge above the legal maximum unit rent and the rent does include all additional charges, including air conditioning. If the member would like to pass that on to his constituents when he meets them later, he can tell them that they are not meant to spend any more money than the rent they are currently paying, which should include the air conditioning that is already there.

#### 1450

**Mr Faubert:** I will certainly pass along the minister's comments to my constituents at the next meeting. However, if the landlord pursues the matter further through such actions as issuing a notice of eviction to tenants for refusing to pay the extra charge, tenants want to know what their rights are in these circumstances. Can the minister advise what tenants should do if they are served with a notice of eviction for not paying this illegal charge?

**Hon Ms Hošek:** Of course tenants cannot be evicted for not paying a rent which is illegal. What the member can tell the people in his constituency about this is that they are not obliged to pay this rent increase, they cannot be evicted for it and they should get in touch with either a lawyer or a legal aid clinic but also with the Ministry of Housing which is available to provide information on the rent review legislation for them.

#### ENVIRONMENTAL ASSESSMENT ADVISORY COMMITTEE

**Mrs Grier:** My question is to the Minister of the Environment and it concerns the Environmental Assessment Advisory Committee. This committee was established to assist the minister, when requests for designation of projects were made, in determining whether the project should be designated on environmental grounds as



opposed to making those decisions on political grounds.

Can the minister explain why in the last report of the committee the committee points out that of 61 requests received by the minister for either exemptions from the Environmental Assessment Act, bump-ups under the act or designation under the act, only two of those 61 requests were referred to the Environmental Assessment Advisory Committee?

**Hon Mr Bradley:** There are a number of matters I must deal with in my capacity as the Minister of the Environment where I receive considerable input from Ministry of the Environment staff, specifically the environmental assessment branch, for instance. I receive input from individual citizens who write to me, from members of the opposition, from environment groups and so on, and I take all of those matters into consideration before making a decision as to which matters shall be referred to the Environmental Assessment Advisory Committee.

When they provide information, I always utilize the information for the purpose of attempting to make a decision on the matter and I take all things into consideration, but I find it to be a very useful committee in the kind of advice it provides. I cannot as minister always accept the advice but I find it useful in rendering a final decision on any particular matter.

**Mrs Grier:** Not only does the minister not accept the advice when he does refer matters to the committee, but he seems to be systematically avoiding using the committee for the purpose that it was set up.

We have an Environmental Assessment Act in this province where the environmental assessment branch of the ministry is underfunded; we have an environmental assessment program improvement project that is out there producing discussion papers and holding meetings but not coming up with any recommendations; we have people all across the province who are frustrated at the workings of the act, and we have a committee that was set up to simplify the workings of the act that is being ignored by the minister.

Can the minister tell us: Does he support the Environmental Assessment Act, and if so, what evidence can he produce to prove that support?

**Hon Mr Bradley:** First of all, I would like to address the member's suggestions about the funding of the Ministry of the Environment. The Treasurer (Mr R. F. Nixon) has provided in the last provincial budget some 19.4 per cent of the increase for the Ministry of the Environment

budget, and I am very delighted that with his strong environmental support we were able to derive those kinds of funds.

We have attempted to provide bolstering information and people and facilities and so on for members of the various staffs. I know the member would want to know in this House that I have in fact looked at a number of areas of the ministry and have ensured that the Treasurer and the Chairman of the Management Board of Cabinet (Mr Elston) have provided the necessary funding for those various areas in the ministry, and I think that is exceedingly important for us to do. I will continue to do that.

I find the Environmental Assessment Advisory Committee very useful. I think the member will see, more and more, that it will be utilized for the advice it can provide to me. As the member knows, a lot of matters go through various stages of the Environmental Assessment Act. Some of them ultimately come to a hearing. Some of them have the issues resolved before the hearing.

In terms of the project we have out there to—

**The Speaker:** I would like to thank the minister for the extensive answer. It has been very good.

## HOME CARE

**Mrs Cunningham:** My question is to the Minister of the Community and Social Services. The Red Cross is facing a projected deficit of \$3.8 million and, even after the minister's offer of 22 June, it is still a deficit of \$2.1 million. The minister and his colleague the Minister of Health (Mrs Caplan) have not addressed the funding mechanism for the integrated homemaker program, which we believe is the cornerstone of his community-based care initiatives.

My question is, when is the minister going to introduce a new funding mechanism so that the Red Cross is not left hanging by a thread each year hoping that its deficit will be funded?

**Hon Mr Sweeney:** The honourable member will recall that last year we provided about \$1 million or \$1.1 million to the Red Cross as it identified its deficit at that time, and we provided another \$600,000 or \$700,000, I believe it was, to about seven or eight other homemaker agencies. We indicated to both those groups that we would also provide money for their deficits this fiscal year, but that would be based on a review and analysis by officials in my ministry and staff in their various agencies as to what the appropriate deficit was and what should be included in that.



The last figure I heard from my staff was that we have agreed that there is a deficit this year within the Red Cross of approximately \$1.6 million or \$1.7 million, which is about \$600,000 or \$700,000 more than we recognized last year, and about \$900,000 for the other eight or nine agencies, for a total of about \$2.6 million, compared to about \$1.8 million for last year. That is an ongoing process and that is where we are at the present time.

The member will be aware of the fact that a few short weeks ago I did announce a joint project between the Minister of Health and myself in terms of long-term care, which we expect to be completed by September this year. All the issues she has raised would be included in that particular review.

**Mrs Cunningham:** The fact is that we do not have good planning and we do not have a budget that is reasonable and responsible to support the integrated homemaker program, which for all of us, we know, is a cornerstone of delivery services for people so that they can remain in their homes.

My second question has to do with the 38 communities that were expecting the integrated homemaker program. We know we have only 18 to date, and this of course was an election promise and a commitment by the government. I ask the minister at this point in time when he has talked to the Minister of Health. When has he consulted, so that we know that these programs can be further expanded because they are needed and the minister promised them? When will the new funding mechanism be part of that consultation and when will the programs be in place?

**Hon Mr Sweeney:** The honourable member will be advised that it was my decision to freeze the current 18 sites, despite the fact that there was an indication that they would be expanded. That decision was made because joint negotiations are going on between the Minister of Health and myself.

The member may be aware of the fact that for the first time in the history of this government there is now a single assistant deputy minister responsible for this whole area of community service for our two ministries, reporting to deputies in both ministries. That is the physical evidence of the desire and intention of these two ministries to work together at the community level.

I indicated already that I expect that that particular assistant deputy minister, with support staff from the two ministries, will be reporting to the two ministers by the end of September of this

year. We in turn will carry that message to the policy and priorities board of cabinet, and I expect that well before the end of this current calendar year we will have some message to bring to this Legislature as to how we are going to expand, enhance and deliver services at the community level jointly between these two ministries of government. I am sure the member herself has heard from—

**The Speaker:** Thank you.

**Hon Mr Sweeney:** —many communities. It is the desire—

**The Speaker:** Thank you. That seems a fairly lengthy answer.

**Mr Jackson:** On a point of order, Mr Speaker: I would like to rise and correct the record. During the course of my question today, I indicated to the minister that she had in fact reduced the funding to the neonatal clinic, and I wish to correct the record. What has happened is that services have been cut back in accordance with the funding level she has provided.

1500

#### NOTICE OF DISSATISFACTION

**The Speaker:** Just before I recognize the next order of business, I would like to inform the members of the late show tonight.

Pursuant to standing order 30, the member for Carleton (Mr Sterling) has given notice of his dissatisfaction with the answer to his question given yesterday by the Minister of Labour (Mr Sorbara) concerning Bill 194.

I am sure you will all attend. We will be discussing this matter at 6 pm.

#### PETITIONS

##### WORKERS' COMPENSATION

**Mr Pouliot:** I have a petition addressed to the Honourable the Lieutenant Governor, the Legislative Assembly of Ontario and to all members:

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect,



dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario”—

This is extremely bad printing, Mr Speaker, but more important, it is signed by more than 12 injured workers who, as a last resort, are asking me to convey the following recommendations to the government:

“1. Guarantee the rights of injured workers and are easily understood by workers”—they are talking about the act here, of course—“employers and decision-makers;

“2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

“3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work.”

Not only do I agree with the contents of the petition, but I take a great deal of pride in endorsing the petition.

**The Speaker:** I have listened to the honourable member's petition. I might suggest to him that he might look at the standing orders, and other members may wish to do the same. It states in there that a member may present a petition, advise the House of the number of petitioners and the material allegations made by the petitioners. It is not necessary to read all the reasons for that petition. I am sure the member will take note of that.

#### TEACHERS' SUPERANNUATION

**Mr Jackson:** I am pleased to present a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

“Whereas the government of Ontario in its discussions with the Ontario Teachers' Federation on amendments to the Teachers' Superannuation Act has continually refused to permit an equal partnership between teachers and government in management of the pension fund, establishment of an acceptable contribution increase, benefit adjustments, equitable treatment of future surpluses and a binding arbitration process,

“We, the undersigned, petition the Legislative Assembly to insist that the Treasurer of Ontario enter into negotiations with the Ontario Teachers' Federation which will lead to a settlement equitable to teachers.”

That is signed by 500 members of the Ontario Teachers' Federation and it has my signature and support.

#### WASTE DISPOSAL

**Mrs Stoner:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

“We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

“To request that the Premier and government of Ontario withdraw immediately the P1 site located on provincially owned land in the town of Pickering as a proposed new mega dump site for Metropolitan Toronto; and

“To urge that Metro Toronto never again be permitted to locate garbage dumps anywhere in Durham region; and further

“To urge that whenever a site or sites are chosen either as contingency or long-term dump sites anywhere in the region of Durham or in the province of Ontario, the people always be granted their full and complete environmental rights and safeguards according to the Environmental Assessment Act processes.”

That is signed by 192 residents, and I have affixed my name as well.

#### NATUROPATHY

**Mr R. F. Johnston:** I have petitions on varying matters. I will deal with this one first. It is from the Lieutenant Governor's office, I am pleased to say—redirected to me, so I can redirect it to him. It reads as follows:

“To the Honourable the Lieutenant Governor and the Legislative Assembly of the province of Ontario:

“We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

“Whereas it is my constitutional right to have available and to choose the health care system of my preference;

“And whereas naturopathy has had self-governing status in Ontario for more than 42 years;

“We petition the Ontario Legislature to call on the government to introduce legislation that would guarantee naturopaths the right to practise their art and science to the fullest without prejudice or harassment.”

I have two of these which have been forwarded to me through the Lieutenant Governor's office. I have affixed my signature thereto.

**The Speaker:** Do you have another petition?

**Mr R. F. Johnston:** I would be glad to go in rotation.

**The Speaker:** Give us another one.

## TEACHERS' SUPERANNUATION

**Mr R. F. Johnston:** I will give you another one also passed on to me by the Lieutenant Governor's office, which reads as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Whereas the government of Ontario in its discussions with the Ontario Teachers' Federation on amendments to the Teachers' Superannuation Act has continually refused to permit an equal partnership between teachers and government in management of the pension fund, establishment of an acceptable contribution increase, benefit adjustments, an equitable treatment of future surpluses and a binding arbitration process,

"We, the undersigned, petition the Legislative Assembly to insist that the Treasurer of Ontario enter into negotiations with the Ontario Teachers' Federation which will lead to a settlement equitable to teachers."

I have affixed my signature.

## LUMBER INDUSTRY

**Mr Eves:** I have three petitions concerning the layoffs and the closures of the Mattawa and Rutherglen mills.

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"We strongly request that the government of Ontario support and insure the future of the town of Mattawa; the municipalities of Calvin, Cameron, Mattawan and Papineau and the local forest industry by directing to our Mattawa yard 1 all pine and spruce timber volumes on all crown land within,

"1. The Ottawa River crown management unit of North Bay district;

"2. The block north of Nipissing River and west of the North River in Algonquin Park, and

"3. All of Clara township in Bonnechere CMU of Pembroke district.

"The exporting of pine and spruce logs past our front doors must stop."

To this petition are affixed 864 signatures, and I have affixed my signature thereto as well.

The second petition I have with respect to a similar matter says:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"We, the employees of G. W. Martin Veneer Ltd are deeply concerned about the future of our veneer plant in Rutherglen, Ontario.

"Until now the mill operated as a subsidiary of G. W. Martin Lumber Ltd, in which veneer-quality logs were received from four divisions of G. W. Martin Lumber Ltd. Veneer logs were secured from both Martin crown land licences and volume agreements, and from private land sources.

"With the impending sale of the various Martin locations independently to a variety of new owners, we need your government's support and the support of the Ministry of Natural Resources. Support is required in the direction of sufficient veneer-quality logs throughout the province to ensure a continued supply to make the Rutherglen facility viable.

A potential purchaser is committed to modernization and to maintaining employment levels but must have an assured log supply at a reasonable cost. The purchaser has outlined its requirements to the Ministry of Natural Resources and has received a response. The ministry response is insufficient to convince the potential purchaser to follow through with the purchase. It appears that if the plant is not sold it will be permanently closed.

"We would ask that you seriously consider our request to reconsider the ministry's decision, keeping in mind the potential loss of employment and spinoff effects of the local economy from North Bay to Mattawa."

It is signed by 126 employees of the G. W. Martin Veneer plant in Rutherglen, Ontario.

The last petition with respect to this matter, and the shortest, I might add, says:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"We, the employees of G. W. Martin Veneer Ltd, North Bay, are seriously concerned about the future of our division and our continued employment. North Bay division is dependent upon G. W. Martin Veneer Ltd, Rutherglen division, for its supply of random veneer used in the manufacturing process. We have learned that the sale of Rutherglen to a potential purchaser is being impeded by a lack of agreement by the Ministry of Natural Resources and the interested purchaser with regard to veneer log supply.

"The potential purchaser is committed to plant modernization, maintaining employment levels and even increased employment if sufficient raw materials can be obtained. If the plants are not sold, it appears almost certain that they will be permanently closed and our employment lost.



"We would ask that you seriously reconsider the ministry's decision, keeping in mind the potential loss of employment and the spinoff effect on the local economy from North Bay to Mattawa."

This is signed by some 31 employees of G. W. Martin Ltd in North Bay, and I have affixed my signature to that petition as well.

1510

#### TEACHERS' SUPERANNUATION

**Mr MacDonald:** I have 98 signatures petitioning the Legislative Assembly to insist that the Treasurer (Mr R. F. Nixon) negotiate with the Ontario Teachers' Federation towards an equitable settlement.

#### WORKERS' COMPENSATION

**Mrs Grier:** "To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

#### SECURITY IN PREMISES USED BY PUBLIC

**Mr Sterling:** "To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"We request that the Ministry of the Attorney General withdraw Bill 149, An Act to amend the Trespass to Property Act, which we believe is unnecessary and without mandate.

"While we respect the rights of minorities and youth, whom Bill 149 alleges to protect, we oppose the way in which the proposed legislation will erode the ability of owners and occupiers to provide a safe and hospitable environment for their patrons or customers. We are further concerned about the legislation's potential for increasing confrontation in the already difficult process of removing individuals who create disturbances on publicly used premises."

This is signed by 118 people from Ontario, which brings it to a total of 2,281 people who have signed similar petitions. I have also signed that petition.

**Mr D. R. Cooke:** I hope you cleared up the misconception.

**Mr Sterling:** Pardon?

**The Speaker:** Order. There is no debate on petitions.

**Mr Sterling:** I did not think so.

#### SCHOOL OPENING AND CLOSING EXERCISES

**Mr Sterling:** "To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Whereas we believe the amendments to regulation 262 relating to the collective recitation of the Lord's Prayer in opening or closing exercises in public schools deprive many Ontario citizens of their established freedoms, we therefore object to this loss of freedom."

This is signed by a number of people in the city of Kanata. There is a similar petition attached from five people living in Plevna, Ontario.

#### WORKERS' COMPENSATION

**Mr Mackenzie:** "To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

Two petition sheets, signed by a total of 33 members, largely from the city of Hamilton.

**Mr Hampton:** I am pleased to present individual petitions on behalf of 127 individuals who reside in the community of Fort Frances in my constituency. They petition as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, petition the government of Ontario to reform the workers' compensation system in Ontario so that people injured at work get decent pensions, rehabilitation, and jobs when they are able."

I support this petition and I have signed each petition myself.

**Miss Martel:** I have a petition.

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We care about injured workers. We protest the Minister of Labour's proposal to change the

law that would take away injured workers' rights to permanent disability pensions when they are permanently disabled; that would do almost nothing about the miserable compensation of existing injured workers and their widows, and that would leave the injured workers of the future worse off. Workers who are killed or injured in their work deserve much better treatment than this."

This is signed by 91 members of the Quinte and District Injured Workers' Group. I agree with them entirely. I have affixed my signature to it.

**Mr Farnan:** "To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

The petition is signed by 14 individuals. I have affixed my name in total and complete support of the content and intent of this petition.



## TEACHERS' SUPERANNUATION

**Mr R. F. Johnston:** I have a petition signed by several hundred individuals from around the Metropolitan Toronto area and from my own riding, as well.

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Whereas the government of Ontario in its discussions with the Ontario Teachers' Federation on amendments to the Teachers' Superannuation Act has continually refused to permit an equal partnership between teachers and government in management of the pension fund, establishment of an acceptable contribution increase, benefit adjustments, equitable treatment of future surpluses and a binding arbitration process,

"We, the undersigned, petition the Legislative Assembly to insist that the Treasurer of Ontario enter into negotiations with the Ontario Teachers' Federation which will lead to a settlement equitable to teachers."

I have affixed my name.

1520

## WORKERS' COMPENSATION

**Mr Charlton:** I have a petition.

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"We urge the Liberal government to scrap Bill 162, An Act to amend the Workers' Compensation Act;

"Because Bill 162 contains the most significant changes to the Ontario system of workers' compensation contemplated for many years, and yet, as was confirmed through the public hearings on the bill, was developed without an adequate process of public consultation with the stakeholders; and

"Because Bill 162 represents an attack on injured workers and their families and all those people who have fought over the years to achieve fairness and justice for injured workers and their families; and

"Because Bill 162 will eliminate the current lifetime pension for lifetime disability and replace it with a dual award system combining a lump sum and actual wage-loss award benefits, that has been rejected by injured workers (their advocacy groups, community legal workers and lawyers working on their behalf) and by the trade union movement, since it was first proposed for implementation in Ontario by the 1980 Weiler

report and the Conservative government's 1981 white paper; and

"Because Bill 162 virtually ignores the devastating critique and recommendations of the Majesky-Minna task force report on vocational rehabilitation, that was submitted to the Minister of Labour and suppressed by the Liberal government until April 1988; and

"Because Bill 162 gives legislative form to the unacceptable and reactionary policy of restricting access to supplement awards announced by the Workers' Compensation Board in 1987; and

"Because through Bill 162, injured workers are made subject to increased discretionary power at the hands of the Workers' Compensation Board, and made subject to ever more intrusive and demeaning assaults on their dignity, their privacy and their right to fair and just treatment."

I have affixed my signature to this petition. I agree with its contents. It has been signed by 19 residents of Niagara Falls and St Catharines.

**Mrs Grier:** This petition is to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario, and it reads as follows:

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

It is signed by 20 workers in Ontario, and I have also signed it.

**Mr Kormos:** I have a petition. It is addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario, and it reads:

"We care about injured workers. We protest the Minister of Labour's proposal to change the law that would take away injured workers' rights to permanent disability pensions when they are permanently disabled; that would do almost nothing about the miserable compensation of existing injured workers and their widows, and that would leave the injured workers of the future worse off. Workers who are killed or injured in their work deserve much better treatment than this."

It is signed by a number of people, the bulk of them from the Fort Erie-Niagara Falls area. I, of course, have signed it as well and I endorse the statement contained in it.

#### TEACHERS' SUPERANNUATION

**Mr R. F. Johnston:** Now we are back to the angry teachers, the other angry workers.

**Hon Mr Sorbara:** Dispense with it.

**Mr R. F. Johnston:** The interesting thing about these, I say to the member, is that they come from the Mississauga area and there are a couple of hundred of them here who want to petition as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Whereas the government of Ontario in its discussions with the Ontario Teachers' Federation on amendments to the Teachers' Superannuation Act has continually refused to permit an equal partnership between teachers and government in management of the pension fund, establishment of an acceptable contribution increase, benefit adjustments, an equitable treatment of future surpluses and a binding arbitration process"—I say, looking at the member for Middlesex (Mr Reycraft), who understands the gravity of the situation—

"We, the undersigned, petition the Legislative Assembly to insist that the Treasurer of Ontario enter into negotiations with the Ontario Teachers' Federation which will lead to a settlement equitable to teachers."

I have affixed my signature.

#### WORKERS' COMPENSATION

**Mr Farnan:** I have a petition directed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Each year in Ontario hundreds of workers are killed on their jobs and almost half a million workers are injured. The present workers' compensation law denies these workers the right to sue in court for these deaths or injuries. It is the Workers' Compensation Board that determines what injuries and disabilities are to be compensated and what these injuries and disabilities are worth.

"There is a crisis in workers' compensation in Ontario. The Workers' Compensation Board operates in an inhumane and arbitrary way. There is little or no understanding of injured workers' pain and little or no help in returning to meaningful employment. Presently, over 80 per cent of injured workers with permanent disabilities get less than 20 per cent of their pre-accident earnings. The law is not clear or easy to understand. This situation must end.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We urge you to immediately pass laws without hidden clauses that are:

"1. Are easily understood by workers and decision-makers and that guarantee workers their rights and remove arbitrary decision-making;

"2. Provide effective and humane rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful employment;

"3. Provide jobs to injured workers or full compensation to those who cannot return to work;

"4. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker."

This is signed by approximately 16 individuals. I have attached my name and I am in total and complete support of the intent of this petition.

**Mr Mackenzie:** I have a petition here to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the



proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

There are two petitions sheets, signed by a total of 30 people, largely from the downtown area of Hamilton.

**Miss Martel:** I have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario and it reads as follows:

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

**1530**

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

This is signed by 16 residents of Ontario. I have affixed my signature to it and I agree with them entirely.

#### TEACHERS' SUPERANNUATION

**Mr R. F. Johnston:** I think it is a good time to get back to angry teachers again. I have several hundred more names here of people from the Metropolitan Toronto area who wish to petition as follows—

**Hon Mr Sorbara:** Dispense.

**Mr R. F. Johnston:** The good thing is that I am not doing them page by page. I am being generous in terms of lumping them together.

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Whereas the government of Ontario in its discussions with the Ontario Teachers' Federation on amendments to the Teachers' Superannuation Act has continually refused to permit an equal partnership between teachers and government in management of the pension fund, establishment of an acceptable contribution increase, benefit adjustments, an equitable treatment of future surpluses and a binding arbitration process,

"We, the undersigned, petition the Legislative Assembly to insist that the Treasurer of Ontario enter into negotiations with the Ontario Teachers' Federation which will lead to a settlement equitable to teachers."

#### WORKERS' COMPENSATION

**Mr Kormos:** I have a petition that is intended for the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario that reads:

"We care about injured workers. We protest the Minister of Labour's proposal to change the law that would take away injured workers' rights

to permanent disability pensions when they are permanently disabled; that would do almost nothing about the miserable compensation of existing injured workers and their widows, and that would leave the injured workers of the future worse off. Workers who are killed or injured in their work deserve much better treatment than this."

It is signed by 18 people: Brian O'Dell from Welland, Robert Winger from Welland and other persons from Port Colborne, Thorold and Niagara-on-the-Lake, and it is signed by myself indicating my support for the statement contained in this petition.

**Mrs Grier:** I have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario which reads as follows:

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and to assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

I support this petition and have signed it.

## TEACHERS' SUPERANNUATION

**Mr Farnan:** I have a petition, signed by several hundred teachers, to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Whereas the government of Ontario in its discussions with the Ontario Teachers' Federation on amendments to the Teachers' Superannuation Act has continually refused to permit an equal partnership between teachers and government in management of the pension fund, establishment of an acceptable contribution increase, benefit adjustments, an equitable treatment of future surpluses and a binding arbitration process,

"We, the undersigned, petition the Legislative Assembly to insist that the Treasurer of Ontario enter into negotiations with the Ontario Teachers' Federation which will lead to a settlement equitable to teachers."

I have affixed my name to this petition in total and complete support of the intent and content of this petition.

**Mr R. F. Johnston:** I have another petition from people who wish to use their 600-year tradition of being able to petition the Parliament of the province of Ontario and the parliamentary system, as follows:

"To the Ontario—To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario"—they wish they could have somebody who could read to present it for them, given that these are teachers:

"Whereas the government of Ontario in its discussions with the Ontario Teachers' Federation on amendments to the Teachers' Superannuation Act has continued to refuse to permit an equal partnership between teachers and government in management of the pension fund, establishment of an acceptable contribution increase, benefit adjustments, an equitable treatment of future surpluses and a binding arbitration process,

"We, the undersigned, petition the Legislative Assembly to insist that the Treasurer of Ontario enter into negotiations with the Ontario Teachers' Federation which will lead to a settlement equitable to teachers."

I give it to the chair.

## WORKERS' COMPENSATION

**Mr Hampton:** I have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario, and it reads as follows:



"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario. It is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

I approve of this petition and I have indicated so by my signature.

**Miss Martel:** I have a petition intended for the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario, and it reads as follows:

"We care about injured workers. We protest the Minister of Labour's proposal to change the law that would take away injured workers' rights to permanent disability pensions when they are permanently disabled; that would do almost nothing about the miserable compensation of existing injured workers and their widows, and that would leave the injured workers of the future worse off. Workers who are killed or injured in their work deserve much better treatment than this."

This is signed by some 239 residents of Ontario. The petition was organized by the Hastings and Prince Edward legal services and I

have affixed my signature to it and I agree with them entirely.

1540

#### TEACHERS' SUPERANNUATION

**Mr R. F. Johnston:** I have a petition signed by several hundred people from Schomberg to Oshawa, Milton and Metro as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Whereas the government of Ontario in its discussions with the Ontario Teachers' Federation on amendments to the Teachers' Superannuation Act has continually refused to permit an equal partnership between teachers and government in management of the pension fund, establishment of an acceptable contribution increase, benefit adjustments, an equitable treatment of future surpluses and a binding arbitration process,

"We, the undersigned, petition the Legislative Assembly to insist that the Treasurer of Ontario enter into negotiations with the Ontario Teachers' Federation which will lead to a settlement equitable to teachers."

#### WORKERS' COMPENSATION

**Mr Charlton:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and

disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

This petition is signed by 12 residents of the city of Hamilton. I have affixed my signature thereto and support their petition.

**Mr Kormos:** I have a petition intended for the Lieutenant Governor and Legislative Assembly of Ontario. It reads:

"We care about injured workers. We protest the Minister of Labour's proposal to change the law that would take away injured workers' rights to permanent disability pensions when they are permanently disabled; that would do almost nothing about the miserable compensation of existing injured workers and their widows, and that would leave the injured workers of the future worse off. Workers who are killed or injured in their work deserve much better treatment than this."

That is signed by 23 persons, Scott Deschamps from Denistoun Street in Welland and a number of other people from Welland, Rob Petruniak from Niagara Falls, the Sylvestris from Deere Street in Welland and of course by myself indicating my complete support for the statement contained in this petition.

**Mr Farnan:** I have a petition directed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

This petition is signed by 14 individuals. I have affixed my signature in total and complete support.

#### PROPERTY SPECULATION

**Mr R. F. Johnston:** On behalf of the member for Nickel Belt (Mr Laughren), I want to introduce this petition today.

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Given that property speculation in Ontario has contributed to driving up the cost of home ownership, to increasing the cost of building nonprofit housing, and to rent increases for tenants because speculators are rewarded under the provincial government's rent review law, we demand that the government of Ontario impose a tax on the capital gain on nonprincipal residences and land, so that:

"100 per cent of the profit is taxed away on resales within one year;

"75 per cent of the profit is taxed away on resales within two years;

"50 per cent of the profit is taxed away on resales within three years;

"25 per cent of the profit is taxed away on resales within four years."

There are several thousand signatures here, and I have affixed mine as well.

#### WORKERS' COMPENSATION

**Mr Kormos:** I have a petition intended for the Lieutenant Governor and the Legislative Assembly of Ontario. It reads:

"We care about injured workers. We protest the Minister of Labour's proposal to change the law that would take away injured workers' rights to permanent disability pensions when they are permanently disabled, that would do almost



nothing about the miserable compensation of existing injured workers and their widows, and that would leave the injured workers of the future worse off. Workers who are killed or injured in their work deserve much better treatment than this."

It is signed by 20 people, persons from St Catharines; Ron Walker from Welland; Earl Yochim from Welland; Don Boone from Niagara Falls; persons from Niagara-on-the-Lake; other persons from Niagara Falls; Robert Pante; Rob West from St Catharines; Len James from St Catharines, and of course by myself indicating my complete support for the statement contained in this petition.

**Mr D. R. Cooke:** On a point of order, Mr Speaker: I draw the attention of the member for Welland-Thorold to rule 31(g) which says, "Every petition that is in order shall be brought to the table." I note that the member has been reading the same petition over and over again, I think, which has not been sent to the table.

**Mr Kormos:** That was a snotty thing to say. I have read different petitions, which is why I have identified some of the signatories, so that rational people would not be confused about the fact that I was reading different petitions.

**The Acting Speaker (Mr M. C. Ray):** Thank you. Perhaps I may, just for a moment, draw the attention of the House to standing order 31(g) which says, "Every petition that is in order shall be brought to the table and read by the Clerk if required." I presume that when the member does not present it to the table, he is indicating the petition is not in order. This would be confirmed by the fact that he indicated at the beginning of the introduction that the petition was "intended for the Lieutenant Governor and the Legislative Assembly."

He has presented the petition in accordance with standing order 31(b) but has not presented the petition to the table in accordance with standing order 31(g).

1550

**Mr R. F. Johnston:** It is almost as if he was a veteran around here. It is really quite impressive. It took me at least nine years to learn that myself; but I have a petition here which I can table.

**Hon Mr Conway:** Let me observe that Ross McClellan is a veteran.

**Mr R. F. Johnston:** It is true that he is.

**Hon Mr Conway:** Ross is here?

**Mr R. F. Johnston:** Not that he is in these hallowed precincts at this very moment.

## TEACHERS' SUPERANNUATION

**Mr R. F. Johnston:** I have a petition that can be presented to the table. It is signed by several hundred people and it reads as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Whereas the government of Ontario in its discussions with the Ontario Teachers' Federation on amendments to the Teachers' Superannuation Act has continually refused to permit an equal partnership between teachers and government in management of the pension fund, establishment of an acceptable contribution increase, benefit adjustments, an equitable treatment of future surpluses and a binding arbitration process,

"We, the undersigned, petition the Legislative Assembly to insist that the Treasurer of Ontario enter into negotiations with the Ontario Teachers' Federation which will lead to a settlement equitable to teachers."

## WORKERS' COMPENSATION

**Miss Martel:** This is to stick it to the member for Durham Centre (Mr Furlong) and all other members who do not like the democratic process of reading petitions. I have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"We urge the Liberal government to scrap Bill 162, An Act to amend the Workers' Compensation Act,

"Because Bill 162 contains the most significant changes to the Ontario system of workers' compensation contemplated for many years, and yet, as was confirmed by the public hearings on the bill, was developed without an adequate process of public consultation with the stakeholders; and

"Because Bill 162 represents an attack on injured workers and their families and all those people who have fought over the years to achieve fairness and justice for injured workers and their families; and

"Because Bill 162 will eliminate the current lifetime pension for lifetime disability and replace it with a dual award system combining a lump sum and wage loss benefit that has been rejected by injured workers, (their advocacy groups, community legal workers and lawyers working on their behalf) and by the trade union movement since it was first proposed for implementation in Ontario by the 1980 Weiler

report and the Conservative government's 1981 white paper; and

"Because Bill 162 virtually ignores the devastating critique and recommendations of the Majesky-Minna task force report on vocational rehabilitation, that was submitted to the Minister of Labour and suppressed by the Liberal government until April 1988; and

"Because Bill 162 gives legislative form to the unacceptable and reactionary policy of restricting access to supplement awards announced by the Workers' Compensation Board in 1987; and

"Because throughout Bill 162, injured workers are made subject to increased discretionary power at the hands of the Workers' Compensation Board and made subject to ever more intrusive and demeaning assaults on their dignity, their privacy and their right to fair and just treatment."

This is signed by 13 individuals in Ontario. I am pleased to present it on their behalf. I agree with it in its entirety and I have affixed my signature to it.

**Mr Farnan:** In accordance with the democratic process which allows Her Majesty's loyal subjects to petition the government, I direct the following petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth."

Would it not be tragic, Mr Speaker, if workers were not able to petition the government in this way?

**The Speaker:** You may read the petition if you wish.

**Mr Farnan:** "There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

This is signed by 15 individuals. I have affixed my signature in total support and am delighted that the democratic system allows these injured workers to express their discontent.

### TEACHERS' SUPERANNUATION

**Mr R. F. Johnston:** I have another several hundred petitioners here, to bring to about 4,000 the number of petitioners around the superannuation issue which I have introduced in the last little while.

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Whereas the government of Ontario in its discussions with the Ontario Teachers' Federation on amendments to the Teachers' Superannuation Act has continually refused to permit an equal partnership between teachers and government in management of the pension fund, establishment of an acceptable contribution increase, benefit adjustments, an equitable treatment of future surpluses and a binding arbitration process,

"We, the undersigned, petition the Legislative Assembly to insist that the Treasurer of Ontario enter into negotiations with the Ontario Teachers' Federation which will lead to a settlement equitable to teachers."

I have affixed my signature.

### WORKERS' COMPENSATION

**Mr Kormos:** I have a petition intended for the Lieutenant Governor and the Legislative Assembly of Ontario. It reads:

"We care about injured workers. We protest the Minister of Labour's proposal to change the law that would take away injured workers' rights to permanent disability pensions when they are permanently disabled; that would do almost nothing about the miserable compensation of existing injured workers and their widows, and that would leave the injured workers of the future



worse off. Workers who are killed or injured in their work deserve much better treatment than this."

This is signed by Garry Ward of Thorold, John Riley of St Catharines, Linda Clark of Port Colborne and a total of 19 people from—

**The Speaker:** Thank you. I have explained the standing orders to the honourable member before.

**Mr Charlton:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario.

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

This petition is signed by 10 residents of the city of Hamilton. I have affixed my signature thereto and support the contents of their petition.

1600

#### TEACHERS' SUPERANNUATION

**Mr Pouliot:** I have 15 petitions, Mr Speaker, but with respect for the time element in this

House, I ask your acquiescence if I can read one. All are identical and they represent the concerns of more than 200 people.

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Whereas the government of Ontario in its discussions with the Ontario Teachers' Federation on amendments to the Teachers' Superannuation Act has continually refused to permit an equal partnership between teachers and government in management of the pension fund, establishment of an acceptable contribution increase, benefit adjustments, an equitable treatment of future surpluses and a binding arbitration process,

"We, the undersigned, petition the Legislative Assembly to insist that the Treasurer of Ontario enter into negotiations with the Ontario Teachers' Federation which will lead to a settlement equitable to teachers."

I take a great deal of pride in endorsing the contents of these petitions and therefore will affix my signature to them.

**Mr R. F. Johnston:** I have my last set of petitions today—about 300 names affixed to a petition, which brings to about 5,000 now the total of people disgruntled about the superannuation situation.

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Whereas the government of Ontario in its discussions with the Ontario Teachers' Federation on amendments to the Teachers' Superannuation Act has continually refused to permit an equal partnership between teachers and government in management of the pension fund, establishment of an acceptable contribution increase, benefit adjustments, an equitable treatment of future surpluses and a binding arbitration process,

"We, the undersigned, petition the Legislative Assembly to insist that the Treasurer of Ontario enter into negotiations with the Ontario Teachers' Federation which will lead to a settlement equitable to teachers."

I have affixed my signature to this petition.

#### WORKERS' COMPENSATION

**Mr Mackenzie:** I have a petition:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if

these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

It is signed by 28 members, these two sheets, mostly in Hamilton or the town of Stoney Creek. I have attached my signature to it and I support it.

**Mr Kormos:** I have a petition intended for the Lieutenant Governor and the Legislative Assembly of Ontario.

"We care about injured workers. We protest the Minister of Labour's proposal to change the law that would take away injured workers' rights to permanent disability pensions when they are permanently disabled, that would do almost nothing about the miserable compensation of existing injured workers and their widows and that would leave the injured workers of the future worse off. Workers who are killed or injured in their work deserve much better treatment than this."

It is signed by 20 people from the Welland-St Catharines-Niagara Falls area.

I have another petition.

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We care about injured workers. We protest the Minister of Labour's proposal to change the law that would take away injured workers' rights to permanent disability pensions when they are permanently disabled, that would do almost nothing about the miserable compensation of existing injured workers and their widows, and that would leave the injured workers of the future worse off. Workers who are killed or injured in their work deserve much better treatment than this."

That is signed by 23 people from the Toronto, Kitchener, North York, Amherstburg, Brantford and Windsor areas, as well as from Cambridge, Bramalea and Brampton and is signed by myself, indicating my support for that petition.

I have another petition.

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We care about injured workers. We protest the Minister of Labour's proposal to change the law that would take away injured workers' rights to permanent disability pensions when they are permanently disabled, that would do almost nothing about the miserable compensation of existing injured workers and their widows, and that would leave the injured workers of the future worse off. Workers who are killed or injured in their work deserve much better treatment than this."

That is signed by Mel McIntee of Port Robinson and 19 others from the Port Colborne, Ridgeway and Welland area.

## REPORT BY COMMITTEE

### STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Mr Wildman from the standing committee on resources development presented the following report and moved its adoption:

Your committee begs to report the following bill as amended:

Bill 162, An Act to amend the Workers' Compensation Act.

**Mr Wildman:** I have a few remarks to make on this. The House should know that the reason we are here today introducing the report of the resources committee on Bill 162 is as a result of a motion moved in the committee by the parliamentary assistant to the Minister of Labour, the member for Halton Centre (Mrs Sullivan), a member of the committee at the time, that the bill be reported immediately to the House.

At the time of the introduction to that motion, we had only just begun clause-by-clause deliber-



ations on the report. I believe we had reached the end of section 2 of the bill and had dealt with two amendments. One was an opposition amendment and one was a government amendment.

The argument presented by the parliamentary assistant at the time was that there was need for more extensive debate on Bill 162, An Act to amend the Workers' Compensation Act in the House and that apparently there was not enough debate taking place in the committee. It was felt by the parliamentary assistant and her colleagues that it would be better to move the bill back into the House.

The committee has worked very hard and diligently on this piece of legislation. It is a major piece of legislation, one of major importance to the people of Ontario, particularly to the injured workers of Ontario and members of the labour movement.

Bill 162 was first introduced over a year ago in the Legislature by the Minister of Labour (Mr Sorbara) on 20 June 1988. I think everyone in the House would agree that the current workers' compensation system is injurious to injured workers and to workers' health in general. I am speaking, I think, on behalf of all members of the committee about our report when I say there is no question that all members of the committee believe that the current system of workers' compensation is inadequate and needs reform.

**1610**

The problem is that the amendments contained in Bill 162 are very controversial, and that came out during the deliberations on the bill in the committee, the hearings that were held by the committee and the debate which was initially begun on clause by clause.

It was suggested in the hearings and during the debate that in fact the amendments to Bill 162 introduced by the Liberal government would add insult to injury for injured workers. It was said repeatedly throughout the deliberations on the bill, whether by delegations that appeared before the committee or by members of the committee, that the bill should be scrapped and that the bill should be withdrawn.

When the Minister of Labour introduced Bill 162 in 1988, he said he hoped that the legislation would be passed by Christmas, without any public hearings.

On behalf of my friend the member for Nickel Belt (Mr Laughren), who is the chairman of the committee, I am, in the capacity of vice-chairman, simply attempting to present to the House the current state of the legislation as

reported as a result of the motion passed in the committee last day.

We all know that initially when the bill was introduced, the suggestion was made that it should be—

Interjections.

**The Speaker:** Order.

**Mr Wildman:** The suggestion, I believe, was made that there should not really be any public hearings of the committee and that the bill should be passed by Christmas 1988.

Interjections.

**The Speaker:** Order. The member for Sudbury East, please show respect to your colleague. I know interjections sometimes take place, but they usually take place when members are in their seats. However, that still does not mean they are in order, I remind all members. The member for Algoma may wish to continue.

**Mr Wildman:** Thank you very much, Mr Speaker. I appreciate your comments. I would say, though, that the outbursts of various members are simply an indication of the controversy that has surrounded this bill ever since it was introduced in this House and during the committee hearings. This bill arouses very, very extreme feelings because this bill will have extreme results for injured workers if passed as presented by the Liberal government.

Initially, there was question as to what kind of consultation had taken place with the members of the labour movement, the people it most affected, the members of the injured workers' organizations, the advocates for injured workers across the province; what sorts of consultations the government and the minister had entered into in order to bring forward this legislation which would have immediate and long-lasting effects for injured workers across Ontario.

As members know, the bill went to second reading in the Legislature on 19 October 1988. The recorded vote took place on 23 November 1988. At that time, 64 members of the party represented in government voted in favour of the bill. The members of the opposition opposed it.

The matter was then, after some controversy, referred to the standing committee on resources development, and at that time the suggestion was made that we should be holding public hearings so that indeed there could be consultation and input from members of the labour movement, the injured workers' organizations, the advocates of injured workers and employers across Ontario. Then we would have an idea as to what kind of consultation took place prior to the introduction

of the legislation and what the views were of the various groups involved.

At that time the committee decided that it would indeed advertise to hold hearings. There was a tremendous response to the advertisement. There were over 600 groups that indicated they wished to make presentations directly to the committee on this act to amend the workers' compensation system in Ontario.

Some of those groups were employers' groups. A very large number of those groups were unions representing workers in Ontario and injured workers' organizations, as well as advocates for injured workers, the legal clinics and so on.

Over 600 indicated that they wished to make presentations, and all of those 600 got their names in in time. According to the advertisement's deadline, they were in on time. They expected by getting their names in according to the deadline that they would indeed be heard by the committee.

**Mr Pouliot:** Were they heard?

**Mr Wildman:** No, they were not heard. The committee decided that it did not have the time, or it would not make the time, to hear all of the presentations. The committee only allocated enough time for about half of the groups that wished to make presentations to the committee.

**Mr Miclash:** Make it a minority report.

**Mr Wildman:** This is a reporting of the bill. There is no majority or minority report.

Interjections.

**The Speaker:** Order. I guess it is necessary to remind all members that the Speaker usually recognizes one member to speak at a time. That has been done. I hope all members will govern themselves accordingly.

**Mr Mackenzie:** The interjections came from the other side, not here, Mr Speaker.

Interjections.

**The Speaker:** Order. Again, I appreciate the assistance of all the members and I will now recognize the member for Algoma.

**Mr Wildman:** Thank you, Mr Speaker. I want to ensure that the members of the assembly have a full understanding of what occurred in the committee leading to the reporting of Bill 162 back to the Legislature.

The committee decided to hold hearings. The committee set aside enough time to hear approximately one half of all of the groups that had indicated they wished to appear.

One of the first things that was asked of the groups that appeared before the committee was what sort of consultation had gone on with the Ministry of Labour prior to the drafting of this legislation that would have such important effects for workers in Ontario.

I think it would be useful for the members of the assembly to hear some of the comments that were made by groups that appeared before the standing committee on resources development with regard to consultation. I have a few here which I think would be useful to quote.

The first one is from the Canadian Auto Workers council. It says, "We in the CAW feel strongly that the ministry should have at least consulted or asked for some suggestions from all interested parties prior to the introduction of such wide-sweeping changes."

The Ontario Public Service Employees Union said, "We know all the problems with the present system, though for a reason that defies imagination, we were never consulted as to any changes." The minister, who is standing in the wings, should be aware that OPSEU did in fact say it was never consulted prior to the introduction of this legislation.

The Labour Council of Metropolitan Toronto said: "The intended bias of this legislation...is obvious from the start. If the legislation was sincerely intended to meet the needs of injured workers, why is it that their organizations were not consulted in the drafting of these changes?"

**1620**

I ask the minister again, along with the Metro labour council: If the legislation was sincerely intended to meet the needs of injured workers, why is it that their organizations were not consulted in the drafting of these changes? This is a question that was asked repeatedly in the committee hearings.

It is interesting to note that when these criticisms were made the ministry staff indicated that this was not correct, that in fact consultation had taken place. As a matter of fact, the minister's office published a long list of workers' organizations which it said the minister had one time or another met with and had consulted about Bill 162.

But unfortunately, when that list was published, a large number of the groups listed said: "Wait a minute. We never met with the Minister of Labour on this legislation. We met with the minister on occasion but we did not talk about Bill 162." Some of them said: "Well, the minister talked a bit about Bill 162 but he didn't hear anything we had to say. We didn't make any



comments" or "We didn't have time. There wasn't any consultation."

Over half of the groups on the list indicated that they did not consult with the minister on Bill 162. Subsequent to that, the minister said, "Oh, well, this wasn't an accurate list," that really it was just a list that indicated groups that had somehow been talked to at one time or another by the minister and it was never intended to actually indicate that the minister had sincerely consulted on Bill 162.

The fact is that the vast majority of the labour organizations and the organizations representing injured workers that appeared before the committee during the public hearings said that they were not consulted. The committee went to something like 12 communities across Ontario to hold hearings.

Prior to the holding of hearings, the minority in the committee moved a motion that the committee should set aside enough time to hear all groups that had their names in before the proper deadline. However, the decision was made by the committee that this was not appropriate, that the committee did not have the time.

The committee held hearings in about 12 communities, starting at about 13 February and went to about 19 April, and it had an overwhelming response in every community. There were large numbers of delegations that appeared before the committee and we had a situation in each community that we visited outside of Toronto that we did not have enough time on the committee, because of the schedule as it had been decided, to hear all of the groups. In every venue there was a large number of groups that had their names in on time but were not able to make presentations.

Some members of the assembly might ask how that could happen. As I indicated, the committee had decided on a schedule that would only allow for about half of the groups. So what did the committee have to do? It had to somehow decide who would make presentations and who would not.

An intricate method was established for determining who could make presentations to the committee on Bill 162. What the committee did was take all of the names, the clerk took all of the names of the groups that had got their names in on time and put them in a hat or some other receptacle. The chairman, my colleague the member for Nickel Belt, was obliged to pull names out of the hat. This is how we on the resources development committee decided

which groups had important things to say about Bill 162 and which groups should have the opportunity to make their presentations verbally to the committee. It was purely a game of chance. Pat Sajak would have been proud.

As a result, some of the groups that appeared before us, I suppose, had very important things to say; other groups, which perhaps had things to say and wanted to make presentations but did not have as much direct information about Bill 162 or the effects on the workers as other groups that were denied the opportunity, made presentations. We had large numbers who demanded to be heard in each hall where we went. They demanded to be heard.

What usually happened in those committee hearings is that a member of the minority would move a motion that all groups that had their names in before the deadline in that community be given the opportunity to be heard and that we extend the hearings. But the committee, in its wisdom, voted down such motions on every occasion.

**Mr D. R. Cooke:** They might be repetitive.

**Mr Wildman:** It was suggested, I hear across the floor, that some of the presentations might be repetitious, and there was repetition in the presentations. I have found it rather strange that it was suggested that since groups might be saying similar things, they should not be heard, or that since they were saying similar things—incidentally, similar things that were in every case in opposition to the bill—somehow they were not worth listening to.

I could never understand as an individual member of the committee, or on those occasions when I was in the unfortunate situation of being the chairman of the committee, why it was that members of the committee did not understand that if groups all said similar things in opposition to what the Minister of Labour was saying, perhaps they were right and he was wrong.

It is true that the majority is not always right; we saw that proven in the last provincial election. But on occasion, when the majority almost unanimously says the same thing, surely it must lead members of the committee and members of the assembly to question the position of the government. But that did not happen.

The government members on the committee and the opposition members on the committee all listened to many presentations throughout the period of public hearings. Some people who made presentations might be forgiven if they wondered aloud whether or not the members of



the committee heard what they were saying. They certainly did not respond.

1630

During those hearings, the suggestion was made that since the committee had decided that time was of the essence and it was not possible to extend the hearings in each community, the committee could hold hearings in Toronto. The member for Essex-Kent (Mr McGuigan) made the suggestion that perhaps the committee could hold hearings in Toronto. Other members on the committee thought that was very reasonable. That is something we should have responded to.

We suggested that perhaps the committee—more than a suggestion; a motion was put—could hold hearings in Toronto and that groups that had had their names in on time and had not had the opportunity to make verbal presentations should be given the opportunity to travel to Toronto and make presentations. But despite what was said previously by the member for Essex-Kent, the majority on the committee decided that was an unwise and undesirable approach and in fact the committee decided not to hold further hearings.

It was said throughout, I must admit, that individuals and groups that had not had the opportunity to make verbal presentations could of course make written submissions to the committee and that each member of the committee would read all of the submissions and take them into account when it came to clause-by-clause debate on the bill.

We received many written submissions. A voluminous amount of information was provided to the committee. In most cases, the vast majority of cases, those written submissions agreed with the criticisms of the bill that were made in the verbal presentations to the committee. However, when it came to moving beyond and responding to these presentations, the committee was unable to take action.

Mr Speaker, I am sure you are concerned and curious to find out what the concerns were that were presented by the vast majority of groups that had the opportunity, what those that made written submissions to the committee said. In general, the vast majority of the presentations to the committee said Bill 162 was a bad piece of legislation that should be scrapped. They pointed to a number of problems with the legislation.

Rather than being misunderstood, though, I want to emphasize what I said at the beginning of my remarks. All members of the committee, I think without exception, agreed that the present system of workers' compensation demeans workers, does not serve workers in this province,

harms workers and their families. There is agreement, a consensus on the committee, and probably in the House, that workers' compensation in Ontario is in a mess and needs to be reformed. That was also the position taken by the presenters, whether they be employers' groups, workers' groups or labour groups.

The interesting thing, though, is that many labour groups and worker groups that oppose the present system of workers' compensation in Ontario said, "Bad as it is, it is not as bad as the system that would result if Bill 162 were to pass." Bill 162 will not provide better pensions than the present, woefully inadequate system. It will not guarantee vocational rehabilitation to every worker who needs it. It will not result in guaranteed jobs for injured workers to return to—that is, reinstatement—and it gives a great deal of discretionary power to the Workers' Compensation Board in administering the system, not just in administering the system but actually in drawing up the regulations on how the legislation will be implemented.

Members of this House have fought for the dignity of those who by no fault of their own have been hurt on the job, have been injured and disabled while working and unable to continue in the previous jobs they have been in in the past. Too many of us have worked to pass legislation now that will mean injured workers are denied justice and fairness by the system implemented.

We had the problems with the hearings, with the presentations, with the almost unanimous agreement in opposition to the bill that the bill was not even good enough to be amended but rather should be scrapped.

Unfortunately, the standing committee on resources development was unable or unwilling to extend hearings to ensure everyone had his say, so only those who had the luck of the draw were able to make their presentations before the committee.

It is true that other groups were able to make written presentations. The problem, though, with written presentations is that members of the committee are unable to ask questions of the presenter and are not able to get clarification of points that are made in the written presentation. They are not able to cross-examine, so to speak, the witness so that we get a better idea of what the position is of the witness, what exactly the criticisms are and whether or not they are valid. That is the problem with written submissions. But we were stuck with that position. There was nothing we could do.



Some might wonder why there was such enormous interest in this legislation. It is obvious that this is the first piece of legislation introduced in this Legislature since 1914 that brings about major cutbacks in compensation. We know that the original 1914 legislation was a tradeoff, where workers gave up their right to sue employers in exchange for a no-fault publicly administered system of compensation for workplace-related disabilities.

Many, many groups that appeared before the committee said Bill 162 is a betrayal of that tradeoff, of that agreement and of that concession made by workers in 1914. Every major reform of the workers' compensation system since 1914 has been aimed at and has had the result, some way or other, of trying to alleviate the problems in the system to improve benefits for workers. According to those groups, this is the first time we have legislation presented which in fact will cut the benefits to injured workers.

There are a number of areas of criticism I mentioned before that I would like to expand on. The first and one of the major ones, probably the major one, is the dual award pension system. It was said repeatedly to us in the committee by presenters that this will result in smaller pensions for workers, particularly because of the system of determining wage-loss payment based on potential jobs, not on the actual situation of the injured worker.

We had many, many presentations before the committee on what this really means. The term that was used repeatedly in the committee was "deeming." It was pointed out that the Workers' Compensation Board already has a system it is implementing that determines the effects on the worker financially on the basis of what the worker's, and I quote the word, potential is, not on what the worker's actual situation is.

In one of the presentations in Timmins, I think we had one of the most ludicrous examples. We had an organization appear before us that pointed out that it had information the Workers' Compensation Board was dealing with the case of a custodian who had been hurt on the job. He had injured his back and was unable to return to that work. The Worker's Compensation Board, in considering this case, looked at the worker and said, "Okay, you're going to have to get so much compensation for your back, but in determining what the level of benefits should be, we have to look at what your potential is."

In the wisdom of the Workers' Compensation Board, it was deemed that this worker could be an air traffic controller. None of us can deny that

in Timmins and across Ontario there is a tremendous demand for air traffic controllers. I suppose a member of the committee might be forgiven if he or she assumed that if the board felt this worker could be an air traffic controller, the board would provide training for this worker and that the board had done some sort of aptitude testing to determine that this worker could indeed be an air traffic controller. But no, that was not the case. The committee was told the worker was simply informed that he could be an air traffic controller and that it would not be too hard on his back.

The board came to the conclusion that if this worker did indeed get employment as an air traffic controller, he would make more money than he made before when he was a custodian and that therefore he did not need any extra benefits. So we have a case of a worker who does not have a job, who cannot return to his original work, but the Workers' Compensation Board informs him that because he might at some time or other become an air traffic controller, he does not need any benefits.

#### 1640

This was the centre of a great deal of controversy before the committee—the deeming system—a system that is apparently being implemented by the Workers' Compensation Board in anticipation that Bill 162 will pass and that the dual award system will be implemented by the Workers' Compensation Board. Will be implemented? It is already being implemented.

We had numerous presentations before the committee. I think the one that sums up this portion of the legislation and the problem with it the best for me was the one from the iron workers in Sudbury. The representative of the iron workers informed the committee that this legislation means the worker is deemed if he does and deemed if he does not.

**Hon Mr Sorbara:** That's clever.

**Mr Wildman:** I hear someone saying that's clever. It was a clever choice of words, a play on words, by the representative of the iron workers, but it is tragic for the worker who is treated this way by the Workers' Compensation Board.

The Ontario Public Service Employees Union, for instance, said, "From decisions made by the board in the last few years, we have every reason to believe that the proposed wage-loss system will be nothing other than bureaucratic voodoo, where the board slots workers into imaginary jobs that the board considers suitable and available."



The Confederation of Canadian Unions said: "We already know how the WCB is dealing with supplements under the current section 45. Workers are seeing their supplements reduced or are being denied supplements on the basis of what the WCB deems the worker to be capable of earning. We see no reason to expect the WCB to change this practice after Bill 162."

Of course the Workers' Compensation Board will not change this practice after the implementation of Bill 162, because deeming is central to the dual award system proposed in Bill 162.

The United Steelworkers of America, the Toronto Area Council, said, "Pensions must reflect not only an individual loss of life, but also actual lost wages, not deemed lost wages."

That is what it means. If the board deems that the worker is capable of doing a certain job, even if that worker does not have it, then the worker is deemed to have lost only the difference between what that job would pay and what he made before in his other job. Of course, if the new job that the worker is deemed to be capable of doing has greater remuneration than the previous job, then that worker gets no benefits. So the worker is put in the situation not only of having no benefits and no job, but also no hope of ever improving his or her situation.

In Sudbury, the Mine, Mill and Smelters Workers' Union said, "If an injured worker is able to perform work after medical rehabilitation, then there must be a real job for him to perform and not a phantom job that someone feels the injured worker can do."

That term "phantom job" was used over and over again before the standing committee on resources development in the hearings. We heard repeatedly that workers are being deemed to be able to do jobs and therefore their benefits are being determined on that basis, even though not only did they not have those jobs, but also none of those jobs were available, in the view of the worker. On top of that, as indicated, not only medical rehabilitation, but other rehabilitation is almost always needed in order for the worker to take the job. We will be getting into dealing with what the committee heard about rehabilitation in a moment.

The United Food and Commercial Workers International Union said, "The injured worker will not necessarily have this job"—that is, the job he is deemed capable of doing—"but the board in their infinite wisdom will rule that the injured worker should be able to do the job and the wage-loss pension will be calculated on these fictional earnings. This is not wage loss. It is not

rehabilitation. It is legal fiction designed to save the board money."

That was another comment we heard repeatedly, that the whole purpose of this legislation and this section of the dual award system was to cut benefits and save the Workers' Compensation Board money.

The Canadian Union of Public Employees, Local 870, said: "The WCB in Ontario has used the deeming process to calculate pension supplements. Deeming has consistently been used to inflate earnings capacity and to ensure that the supplements are reduced or not awarded."

The International Association of Machinists and Aerospace Workers said, "The WCB has proven extremely adept at finding phantom jobs which the disabled worker could theoretically do, and which pay at least as much as his or her previous employment, whether or not such a job is actually available or is related to their own background or capabilities."

The Canadian Union of Postal Workers said, "The phantom job scam created by the deeming provision in Bill 162 cannot be justified and it is extremely inappropriate that the board is the sole determinant of what constitutes suitable and available employment for the worker." Again, we have the term "phantom job" and the problem related to the board's discretion that we will be dealing with in a moment.

The United Food and Commercial Workers International Union, Local 1977, said: "What must be realized here is that the worker is not working or earning any money in this imaginary, fairy-tale job. If Mr Peterson and Mr Sorbara applied this principle of deeming of imaginary jobs to unemployed workers, they could probably reach zero unemployment in the province of Ontario."

Yes, I suppose that is a great way to deal with the unemployment problem. You just say: "We deem all of these people to be capable of certain jobs and as far as we are concerned, they are doing the jobs even though they may not have them. Therefore, we have no unemployment." That is how the injured workers in the labour movement view what is being done by the Workers' Compensation Board now and what is being proposed by the Ministry of Labour in Bill 162.

#### 1650

Finally, CUPE, Local 114, said on this matter: "The Minister of Labour has continuously informed us that Bill 162 will not contain the element of deeming workers at phantom jobs. It would appear that this belief is based on the



provision that the worker's wage loss must be determined having regard to suitable and available work. It must be pointed out that the current legislation also contains reference to suitable and available work. The present section also clearly states that the board must compare actual pre-accident and post-accident earnings. Despite this, the WCB has exercised its discretion in such a way as to deem workers' earning capacity from jobs which they do not have."

If there was one matter that was raised most often in the committee by representatives of workers, it was this terrible proposal that workers could be deemed to have jobs they did not have and their benefits would thus be determined as a result of this deeming.

One might expect that as there were so many presentations objecting to the deeming provision, when the committee came to the point of actually dealing with clause-by-clause, there would have been amendments proposed to get rid of deeming and to ensure that a worker could only have a wage loss calculated on his or her actual employment. But no, we did not see any of those amendments proposed.

It has been suggested that one of the advantages of this legislation, which has been proposed and dealt with by our committee, is that it guarantees rehabilitation for injured workers. This has been another matter of significant controversy. This was denied by group after group which appeared before the committee. We had a number of presentations in that regard.

The United Steelworkers of America, District 6 referred to the task force that was commissioned by the government with representatives from the labour movement, business, the medical profession and so on to look at rehabilitation by the Workers' Compensation Board. It is a task force that the minister claimed had been listened to. He said that in the drafting of Bill 162, 75 per cent or 85 per cent, I think it was, of the recommendations of the task force had been implemented.

It is interesting that one of the co-chairpersons of that task force said in response that in his view 85 per cent of the recommendations of the task force had not been implemented as yet, and were not being implemented in Bill 162. So the United Steelworkers of America, District 6 referred to this task force. It is called as a short form the Minna-Majesky report after the two co-chairpersons.

"The Majesky-Minna report recommends a case management approach to vocational rehabilitation. The task force recommendations in

general emphasize respect for individual dignity and quality of life. The system recommended by the task force would ensure comprehensiveness and continuity of the provision of vocational rehabilitation services. The meritorious recommendations of the task force have not found their way into Bill 162 either in spirit or substance."

The Building and Construction Trades Council: "Bill 162 does not answer workers' concerns about the inadequacy of rehabilitation services provided by the Workers' Compensation Board. The government acts as if the task force on vocational rehabilitation never took place."

It is ironic that throughout our discussions and deliberations on the committee, all members of the committee—Most, not all; I think the member for St Catharines-Brock (Mr Dietsch) on occasion defended the system. Most members of the committee said that rehabilitation was terribly inadequate for injured workers in Ontario. If that is the case and if that is the view of members of the committee—I would suspect that they are generally representative of the members of the assembly. If they are, then one would expect that in Bill 162 there would be provision for vocational rehabilitation for injured workers and that the task force that was commissioned by the government would indeed be responded to by the drafters of the legislation.

The Labour Council of Metropolitan Toronto: "The Ontario government commissioned a lengthy, costly and excellent report on rehabilitation, the Majesky-Minna report. Yet soon after, the same government has introduced legislation on the subject area studied which ignores the changes advocated in the report. The legislation provides a right to a vocational assessment but does not direct the board to provide services to the worker even if the assessment shows the need for them."

That is the central problem with Bill 162 as deliberated in our committee. Repeatedly, members of the government party said that Bill 162 does guarantee rehabilitation for injured workers, but the fact is that the Metro labour council was quite right. All that is guaranteed for an injured worker is that the injured worker should have an assessment. Frankly, all that is guaranteed is that the injured worker should be contacted. There is no guarantee that the worker will receive rehabilitation, and even if the worker is offered rehabilitation, that rehabilitation will be what the board deems to be appropriate for the worker.

The Canadian Union of Public Employees, Ontario Division: "The system can never be



successful without a genuine and effective commitment to rehabilitation." As an aside, I think all members of the committee would agree with that. "Such a commitment has never arisen voluntarily from the board, and our members"—that is, the members of CUPE—"know that as long as the board retains discretion over rehabilitation it never will. Only when the injured worker has a statutory right to rehabilitation and a corollary right to reinstatement will there exist even the possibility of such a commitment."

The Minister of Labour has said on occasion to the committee and also to other members of the public that Bill 162 will obligate the Workers' Compensation Board to provide vocational rehabilitation to injured workers.

However, we heard repeatedly from representatives of labour and also members of the injured workers' groups who appeared before the committee that Bill 162 does not guarantee vocational rehabilitation. In fact, they said it would mean less rehabilitation than is presently being provided, even though that is considered woefully inadequate.

At a public forum in Toronto, the Minister of Labour stated, "Bill 162 for the first time puts in the law of the province of Ontario the obligation on the Workers' Compensation Board to provide vocational rehabilitation."

But what does the bill actually say? This is what the bill says: "The board shall provide a worker...with vocational rehabilitation services if the board considers it appropriate to do so." That is in subsection 54a(3) of the bill.

The minister's statement that this would require the Workers' Compensation Board to provide rehabilitation to workers in Ontario would be correct if the bill's section stated, "The board shall provide a worker with vocational rehabilitation services."

#### 1700

But the bill as drafted by the minister says that these services will only be available if the board considers it appropriate to do so. In fact, we were told on many occasions before our committee that Bill 162, for the first time, puts into the law of Ontario major cutbacks in the provision of vocational rehabilitation.

Workers who have only received medical aid—that is, half of the close to 500,000 yearly claims to the WCB—or a pension will not be eligible for vocational rehabilitation. For example, in a typical hearing-loss case where a worker receives a hearing aid and sometimes a pension but is not off work, the worker will be barred by

the legislation from asking for vocational rehabilitation.

Vocational rehabilitation services under the present act could include any measures aimed at getting injured workers back to work and assisting in lessening or removing any handicap resulting from their injuries. These provisions have indeed been limited to consultation and the provision of information, but under this bill, all it can mean, frankly, is a visit or a call from a WCB employee. That would carry out the obligation of the board to provide services.

If that is what the minister meant, that the bill will require the board to provide services, it certainly falls short of what the people who appeared before the standing committee on resources development stated repeatedly, over and over again, was needed for workers if we are to get workers out of the trap of workers' compensation and back into the workforce.

Under the bill, even if the WCB decides to provide a vocational rehabilitation program to a worker, that program will not include diploma or degree courses or retraining, which are presently considered under the rehabilitation system. The proposed bill will define in law a very limited list of services, including vocational training, language training, general skills upgrading, refresher courses, employment counselling and assistance in finding a job.

If a worker is lucky enough to get as far as having the board help him find employment, Bill 162 will again, in law, limit that aid to six months, with a possible additional six months of assistance. Presently under the legislation, there is no limitation.

In fact, from the presentations made before the resources committee, it appears that this legislation will dramatically reduce the future obligations of the Workers' Compensation Board to provide vocational rehabilitation services.

Bill 162 will put into law the recently adopted strategy of the WCB to limit voc rehab to providing injured workers with a vocational assessment. If this assessment is then used in determining the potential wage loss when the WCB deems a worker capable of doing another job, we are moving away from rehabilitation to using the rehabilitation staff to limit a benefit for workers.

Obviously, rehabilitation is directly related to reinstatement rights. Repeatedly before the committee, the representatives of labour and injured workers said there must be a statutory right to reinstatement. Under Bill 162, however, reinstatement rights are so truncated as to be



almost meaningless. In fact, they are less than presently legislated under the Human Rights Code.

The Ontario Human Rights Commission says that an employer's obligations to rehire injured workers contained in Bill 162 are not as broad as already exist under the Human Rights Code.

Before our committee, we heard that reinstatement rights are a cornerstone of this legislation. It appears, though, that the government's proposals are so flawed that the government should withdraw the bill, as was suggested by so many groups before the committee.

The former chief commissioner of the Ontario Human Rights Commission appeared before the committee on 1 March 1989 and he pointed out that reinstatement and re-employment obligations contained in Bill 162: (1) do not apply to construction workers—that has been changed somewhat and I will deal with that in a moment—and small businesses with fewer than 20 workers or others excluded by future regulation; (2) only apply to a worker with at least one year of continuous service on the day of the injury; and (3) end, at the latest, two years after the injury. None of these limitations are contained in the Human Rights Code.

Bill 162 only obligates an employer to offer the worker the first opportunity to accept suitable employment that may become available with the employer, and again the Workers' Compensation Board will define "suitable employment."

On the other hand, the Human Rights Code requires that employers accommodate disabled workers, which means, according to Mr Anand, that the employer must make an individualized assessment of the specific needs and circumstances of the workers involved and, where appropriate, the employer may be required to make adjustments to work practices, redefine job duties, modify the physical layout of the workplace and so forth.

If this legislation, Bill 162, is indeed a step forward for the rights of workers to reinstatement, how is it that the former chief commissioner of the Ontario Human Rights Commission could say that the provisions for reinstatement in the legislation are not as good as currently exist in the Human Rights Code?

All through the piece, the committee heard repeatedly that one of the problems with the legislation is that it does not deal with the problem of discretion on the part of the WCB. In fact, the discretionary powers of the Workers' Compensation Board are increased under Bill 162. It was pointed out that the Workers'

Compensation Board will be drafting the regulations if the bill were to pass. Of course, it is true that the regulations would have to be ratified by order in council, but the WCB staff would be designing the regulations.

However, there are a number of other examples of the WCB being given too much discretion as far as the representatives of injured workers and labour were concerned when they appeared before our committee.

Bill 162 is riddled with key words like "considers" or "suitable" that will be defined by the Workers' Compensation Board. I do not think any members of the assembly have to be reminded about what happens to workers when they have to face discretionary decisions by the bureaucracy at the Workers' Compensation Board.

The history of that bureaucracy indicates that "discretion" too often means arbitrary decisions. Almost inevitably, when the worker is faced with a discretionary decision of the bureaucracy at the Workers' Compensation Board, the benefit of the doubt is not given to the worker. The worker has to prove everything and if the worker is unable to prove his situation to the satisfaction of the Workers' Compensation Board, the WCB employees exercise their discretion to the detriment of the worker.

#### 1710

I am not being critical of the staff of the WCB. They simply implement the policies and regulations of their employer, the Workers' Compensation Board. This legislation is not going to do anything to try to deal with that very serious problem of how the board interprets legislation and regulations and how the board determines policy.

We had a number of presentations before the committee with regard to the reinstatement provisions.

The United Steelworkers of America, Local 6409: "Is a worker who has been employed for less than a year any less injured? No. Therefore, should they not be eligible for reinstatement? Why is there not an obligation to a new worker?"

OPSEU, Sudbury, "Is it fair or reasonable that two workers, one with less than one year's seniority and the other with more than one year's seniority, both having permanent impairments of 20 per cent, for one to be reinstated and the other not to be reinstated? I submit that it is not only unfair, it is inhumane."

The Ottawa and District Labour Council: "We believe the exclusions under the bill are unacceptable. No reinstatement for workers em-



ployed less than a year—this flies in the face of what every safety officer knows to be a fact. Workers are injured in far greater numbers when they are new to a job. Workers under a year suffer greater chance of injury and should not be punished for it.”

I think those comments by the representatives of labour who appeared before our committee sum up the problem with this section of the act. It is completely unacceptable to anyone who believes in fairness to say that a worker, because he or she has worked for 11 months before getting hurt, should not be eligible for reinstatement while a fellow worker who has worked for 13 months should be. It is just not fair.

There were certainly a lot of questions raised before the standing committee on resources development as to whether or not this could be challenged in the courts as an infringement and discrimination on the basis of the worker's length of employment.

Why any fairminded government would propose legislation which would discriminate so blatantly is beyond me. Certainly it is surprising, I think, that the members of the committee, when they heard this described to them, did not move immediately to amend that part of the bill so that we would not be reporting a bill today which still contains this discrimination within it.

It has been said by the majority members of the committee that the government did indeed hear the concerns raised by workers and their representatives in the hearings and the arguments that were presented in the committee and it was as a result of this that the Minister of Labour (Mr Sorbara), on 25 May, provided to the committee a number of amendments which he said responded to the concerns that had been raised by people in their presentations to the committee.

Then the question is, what did the amendments do? Frankly, I might be forgiven if I were to characterize the amendments as minor in nature. The amendments did not address any of the major problems with the bill that led so many representatives of worker groups to call for the withdrawal of the bill.

The amendments would still result in smaller payments for those who have permanent injuries, reinstatement rights would remain limited and rehabilitation is still not guaranteed. The arbitrary power of the board was confirmed.

Subsection 45a(3) of Bill 162 was unchanged in this new version that we are now reporting to the House. If this legislation is passed by the assembly, the Workers' Compensation Board will still have the power to make arbitrary

judgement calls based on possibilities rather than on the real situation of the worker. Despite what has been said by the minister and members of the government party, the deeming provision in Bill 162 is alive and well and has not been changed.

The reinstatement rights are still in conflict and less than those provided with the Human Rights Code. As I indicated before, the code covers all workers with no time limits.

One minor change that was made by the minister and which he tried to characterize as a major one is that the construction sector, which specifically had been exempted from the first version of Bill 162, would be dealt with by regulation. The minister proposed an amendment to the legislation that would state categorically in the law that members of the construction trades would be eligible, but that somehow this would be done and it would be done by regulation, again increasing the arbitrary power of the Workers' Compensation Board, which will be designing the regulations to be passed by the cabinet.

Rehabilitation still will be extended to injured workers only if the WCB considers it appropriate to do so. As I have said, the treatment of construction workers in the new bill, as presented by the minister, highlights the bottom-line concern with Bill 162, that it increases the arbitrary and discretionary powers of the Workers' Compensation Board and the government to the detriment of injured workers.

Many problems were identified in the hearings on the bill. These have not been rectified by the minister's amendments which he put before the committee on 25 May. The minister did make the concession that the previous inability to appeal decisions to the Workers' Compensation Appeals Tribunal would be changed. However, if one is aware of the present system and the way the corporate board interprets that provision in the current situation before the Workers' Compensation Board, there is no provision in the amendments that would stop the 86n-ing of decisions of WCAT.

In section 86n, for those members of the assembly who might be less familiar with it, the corporate board of the Workers' Compensation Board takes the position that it has the right to review and change decisions made by the independent appeals tribunal. In fact, in some cases reviews by the corporate board of decisions of WCAT have taken many, many months and still have not been resolved.

Although the minister in his amendments did allow for appeals, he did nothing about the 86n provision which would make it possible for the



WCB corporate board to use its discretion and to deny benefits that might be awarded on appeal by WCAT.

1720

Some other problems with the bill that were presented to the committee that I have not dealt with deal with the fact that it determines two classes of pensioners: those injured before Bill 162 and those injured afterwards. I have not even attempted to deal with the problem of industrial diseases. Industrial disease claims are not dealt with at all in this bill despite situations that we have raised in the Legislature like the gold miners and the lamp plant workers. They are not protected by any provisions in this legislation.

I have gone on at great length about the deliberations of the standing committee on resources development on which I have the privilege of serving as the vice-chairman. I regret very much that the chairman, my friend the member for Nickel Belt (Mr Laughren), was not able to be present today because I am sure he would have made an even longer—well I do not know whether it would be longer but certainly a more comprehensive description of the proceedings of the committee and the difficulties faced by workers who will be affected by Bill 162 if it passes.

I want to say, as the vice-chairman, that I appreciate in general the work that has been done by members of the standing committee on resources development. I say that, though I must say I regret very much that the members of the committee on the majority side were unable to find it in their hearts to extend the hearings to ensure that all people who had indicated that they wished to make presentations before the committee would have the opportunity to do so.

I regret that they repeatedly decided the ministry should be listened to rather than the injured workers and the labour movement. I regret very much that they decided repeatedly not to accommodate groups that had indicated they wished to make presentations but were denied. But most of all I regret that, while they listened to the presentations and they listened to the arguments about Bill 162 and its provisions and what effects it would have in regard to the dual award system, the deeming, the lack of rehabilitation, the failure to require reinstatement, the increasing of the WCB's discretionary powers to the detriment of workers, they did not hear what was said and they did not respond to what was said.

In most cases, unfortunately, they remained silent and sort of took an attitude similar to that

popular song, "Don't worry, be happy." They said to workers who appeared before us who had spent years fighting with the Workers' Compensation Board: "Oh, don't worry. We are in charge. Things will be okay. Your concerns are unfounded." These workers and their representatives had been fighting for years with the Workers' Compensation Board in dealing with problems of deeming, problems with regard to rehabilitation, problems with regard to assessments. They did not accept that these workers and their representatives might know more about it than members of the Legislature.

I recall on one occasion an injured worker—I think he was a representative of the Union of Injured Workers—said in a very moving presentation to the committee: "What would happen if the Workers' Compensation Board, in exercising its discretion with regard to deeming, were to deem that I with my bad back can't continue to do a labouring job but I could be an MPP? After all, there is not a lot of physical labour involved. You sit there and you listen. You don't say much. When you do talk, you don't make a lot of sense."

I felt that this worker said very clearly how he felt about the way the government and Bill 162 are treating him and the way the Workers' Compensation Board has repeatedly treated him. It may sound farfetched, but in fact he could be deemed capable of being a politician. The fact that a person was not elected or did not have a political position would not matter, and the fact that we, as politicians, may make more than he did before he was hurt would mean that he would not get any benefits. That would make as much sense as the example I used earlier about the worker who was deemed to be capable of being an air traffic controller.

I want to pay tribute, as I did in general, to members of the committee, particularly to my friend the member for Sudbury East (Miss Martel), who has led the debate on Bill 162 in the committee day after day. I do not think there is any other member of the committee, certainly not myself, who is as knowledgeable about the ramifications of Bill 162 as my friend from Sudbury East. All members of the assembly owe her a great debt, and I regret very much that the majority on the committee did not hear her concerns or her criticisms and respond to them.

It is with regret that I report on behalf of the committee the decision of the committee to move and to pass a motion that this committee report the bill today. I hope that in the deliberations on this bill in the Legislature we will be able to make



the changes in those provisions of the legislation which would be of detriment to workers in this province. But I must say that my experience on the committee does not make me optimistic that the majority will hear the concerns of injured workers and will at least change those provisions of Bill 162, if not indeed scrap the bill and start over with proper consultation with injured workers and their representatives in the labour movement.

**Mrs Marland:** As a member of the standing committee on resources development and as a Progressive Conservative, I would like to tell the members that my personal experience with Bill 162 has been a very real experience for me. I would suggest to members of this House who have not had the experience that we had, as that committee travelled this province and listened at first hand to examples from the injured workers and their families, that they have really no idea what the implications of what we are doing today really mean.

It is really almost difficult to know where to start in this debate this afternoon. In fact, if I were to say that I was somewhat shocked by the motion placed before the resources development committee on Thursday by the parliamentary assistant to the Minister of Labour, the member for Halton Centre (Mrs Sullivan), it might be an understatement, because I thought that the Liberal government of Ontario has advertised and reinforced itself all the time for the four years that it has been the government about how open it is, how it believes in listening to the people, how it has campaigned in what seemed to a very large number of people, obviously, to be in a very sincere way about the fact that it was going to be a totally different government from ever before in this province. It was going to be a government with no walls and no barriers.

What we have in this motion to do with Bill 162, the bill to amend the Workers' Compensation Act, is that we are dealing with a motion that absolutely creates the walls and the barriers. In fact, more than that, this motion means that everything we have been doing for the last six months has been a total waste of time, a total farce; totally irresponsible on the part of the Liberal government that now brings in this motion.

**1730**

What happened was that originally when Bill 162 was introduced on 20 June 1988, it was the hope and expectation, I understand, of the Minister of Labour (Mr Sorbara) that this bill would go through very quickly. Before the bill

was drafted, there was a lot of eager anticipation for a remedy to the problems with workers' compensation existing today in this province.

One would think that a responsible government, if it wanted to draft a piece of legislation that was indeed going to work, would go to the very basic principle of consulting those people who would have to work with the new legislation and would be impacted by the new legislation. I speak of two groups of people. I do not speak only of those workers who, tragically, have been injured in the workplace, but of their employers, of industry, of the people who make the economy of this province go around.

When you look at the major employers in this province and you look at the small employers of this province, it does not take very much common sense to understand that the whole system of workers' compensation is not working in anyone's best interests today. It certainly is a very expensive system for the employer. We hear all the time from both large and small industries and firms that the burden of their unemployment insurance premiums is just about at the margin of whether they make a profit, and for some small firms whether they even stay in business.

We certainly have examples of injured workers who have received their compensation for injuries in the workplace after two and three years of battling and fighting for that compensation and who really cannot survive on what they receive. We also know there are injured workers in the province today who do not choose to survive on their meagre pensions. If they had a choice, they would like to be rehabilitated and be retrained and be able to be independent financially. Unfortunately, because there is no right to rehabilitation for injured workers, they do not have that opportunity.

This Bill 162 is not the answer to the problems that exist in Ontario today with injuries in the workplace. It is not the answer for the employer and it certainly is not the answer for the employee. How can it be? This Liberal government drafted this piece of legislation without any consultation with the people who are impacted by it, with the people who need the resolution to the mess that workers' compensation is in today. If the government does not talk to the employers and if it does not talk to the unions and the injured workers and their families, then it does not understand what the mess is.

I think it is totally irresponsible of the Minister of Labour to have a piece of legislation drafted by—I do not know the bureaucrats who drafted this, so this is not a personal attack on any



bureaucrat who works in the Ministry of Labour, but I really have to wonder how, with an existing problem and an opportunity for a remedy, any white-collar bureaucrat sitting in the Ministry of Labour's ivory tower could come up with this piece of legislation.

Frankly, it is a very poorly drafted bill. The fact that it does not answer the problems, in our opinion in the Progressive Conservative Party, is totally irresponsible, and the fact that workers' compensation today has a \$7-million unfunded liability means we are in an urgent situation. For four years, the Liberal government has talked about salvaging this system and bringing in something that would work. Quite frankly, Bill 162 is not the answer.

I would like to quote from a speech that was made by Mr Justice Roach in 1950. At that time, Mr Justice Roach headed the royal commission of inquiry and he said: "The public benefit by the fact that the worker, though disabled, is enabled to retain his self-respect. The compensation which he receives is not charity. He has in fact purchased it."

The workers in this province did purchase their right to compensation when in 1915 they gave up their right to sue their employers if they were injured in the workplace. In exchange for that, they were going to be compensated if they were injured in the workplace.

I think down through the 75 years since that act was passed, this system probably worked for a while. It probably worked partially for some people and it probably worked more successfully for others, but right now we have a system that is not working for anyone, and as I have said, because of increased costs it is not affordable for the employer either.

If there is one thing that upset me the most about the motion that was brought to our committee last Thursday to move Bill 162 out of committee and into the committee of the whole House, I think it was the arguments that the member for Halton Centre, the parliamentary assistant to the Minister of Labour, made herself. I just want to read what her arguments were, because if you read her arguments outside of these chambers, you would read them as the very argument as to why the bill should stay within the committee.

The fact that the standing committee on resources development travelled this province for some two months, as we did; the fact that the resources development committee spent in excess of \$100,000 with staff time, travel time, hotel accommodation and hearing rooms in order

that we could listen to the public and its reaction to Bill 162, the same public the Minister of Labour chose not to listen to before the bill was drafted; the fact that we were doing his homework after the fact at tremendous expense, I may say, the fact that all of that took place—I think for those of us on the committee, I would not question that we were very sincere about the responsibility we had as we travelled this province and listened to group after group.

1740

I want to just comment on that because it is very important to emphasize that this Liberal government, with its openness and its willingness to hear from the public, did not want this bill to go to committee at all. Their intent was to have this bill receive second and third reading and be rushed through the House when it was introduced last year.

Because we demanded that this bill be put out to committee and get input from the public, which as I say the ministry had not heard from in the first place, because that had not taken place, there we were on the road listening to these groups. The members should bear in mind that we listened to something like 312 groups. We had requests from over 600 groups.

The selection of which groups we heard from was done literally by the luck of the draw. Our chairman, the member for Nickel Belt (Mr Laughren), actually sat and drew names out of a hat in a colloquial sense. That kind of selection about whom we might hear from as the committee conducted its hearings was absurd. It was absurd because we had over 300 more people who wanted to be heard from. The opposition members of the committee wanted to extend the committee hearings in order to be fair to all those groups who had something to say to the committee about Bill 162 and about why there are things in this bill that do not work in the interests of employers or employees. We could not extend the hearings and accommodate these extra people. When we discovered that we had some time, maybe an hour here or an hour there, we added to the scheduled deputation list by drawing their names.

I have no way of knowing whether we heard from the people who had the most knowledge on the bill, the most knowledge on the subject of workers' compensation, the most knowledge about what it is like to be an injured worker in Ontario today and try to seek compensation. I have no way of knowing that and neither has any single person in this Legislature, including the minister himself. Nobody knows whether we



have heard what needs to be heard on this bill, because those meetings were shut down to a limited time.

Considering that we have waited all these years for reform of workers' compensation in this province, would it really have mattered if our committee had sat a few more weeks? The truth of the matter is no, it would not have mattered had this committee sat a few more weeks.

In hindsight, what has happened has been, as I said a few moments ago, a total farce. What has happened is this: The committee heard the input from those groups that were fortunate enough to be invited to make briefs and present deputations to us, yet the committee members—

Interjections.

**Mrs Marland:** Madam Speaker, you have control of this chamber and I request that you ask people to have regard for the order that prohibits interjections, because it is very difficult at this point for me even to hear myself.

**The Acting Speaker (Ms Hart):** As all members know, interjections are out of order. The member should disregard the interjections.

**Mrs Marland:** Thank you, madam Speaker. I will try to disregard those interjections. It is interesting that they are coming from the same members of the committee who chose not to listen to the public when we were on the road. They are now choosing not to listen in this chamber, so it is a rather predictable reaction, I suppose.

Anyway, the point is that there were 10 or 11 members on the road with this committee who heard from these groups. It is only those members who have heard the poignant stories and actual case histories. It is not the rest of the members in this House. With respect, I know there are members in this House who, through their own constituency offices, work all the time with workers' compensation cases. I know that, but as far as I am concerned, unless the other members in this House heard the actual debate and comment and the briefs presented to us in response to this bill, as we of the committee did, then I do not know how, quite frankly, by bringing this bill out of committee and into this House now for the committee of the whole House to debate, they will be able to stand up and make comment on the input we heard.

Where are we? We are now in the place where what is going to happen is that all the money, all the effort, all the cost of our travelling as a committee has gone out the window. It has gone out the window, because those committee members are now not going to be allowed to sit

any more on this bill. The committee hearings have been shut down. We are not going to be permitted to go through this bill section by section to really investigate what the bill is saying and how it relates, in fact, to what those committee members heard when they were on the road.

As far as I am concerned, if this is the Liberal government's way of caring about employers who are trying to conduct business in this province and have very heavy workers' compensation premiums to pay; if this is the way this Liberal government cares about injured workers who have total frustration and dissatisfaction with compensation when they are injured in this province; then on its own head be it, because it sure is not going to be on ours. What we have said all along is that we do care about these injured workers and we do care about people as employers who are trying to do business in this province.

To read the words of the parliamentary assistant in our committee last Thursday when she moved the motion that we not continue committee hearings any more, that we just get it back into the Legislature and ram it through, despite the fact that it does not work, that it is not what people think it is, that the employers and the industry in this province who did come before the committee prefaced all their presentations by saying, "We support this brief because we believe it is not going to cost us any more money"—Well, what an Alice in Wonderland world that is. The truth of the matter is that there is no guarantee in this bill that it will not cost employers any more money, and if it is not going to be the remedy for the problems that exist today, then it is a waste of time passing it.

But last Thursday, the member for Halton Centre (Mrs Sullivan) said, "Since that time, we have spent about 26.5 hours in committee."

She continued to say, "Having reviewed that statistical data and the nature of the debate which has occurred in committee, it is my conclusion, and I believe will be the conclusion of many other members of the committee"—of course, the Liberal members—"that the bill could be better dealt with in the House in committee of the whole House. I believe it is a complicated bill, that we have benefited minimally at this point from the debate in committee, and that when the bill is before the committee of the whole House we can benefit from more extensive debate in the House."

"I believe the bill is an important one," she goes on to say. "It is one that I think really deserves particular consideration that is not



tinged with what I can only describe as the use of the rules to delay the debate that I believe is so important...I feel strongly that there are very important matters requiring substantial discussion and debate and that we will not see progress unless the bill is referred back to the House."

**1750**

Is it not ironic that this bill, in the words of the parliamentary assistant to the Minister of Labour, is an important one? It does require more extensive debate. She says "important matters requiring substantial discussion." All I want to ask is, by whom? Those people in this House who did not hear from the public as the members of the committee did; that is by whom.

When the parliamentary assistant talks about the use of the rules to delay debate, that has to be the funniest line of all. The fact of the matter is that it is this 94-seat majority Liberal government that is using the rules to limit the debate. It is this Liberal government which has chosen to stop the debate in committee, the very committee that heard from the public, and bring it into the committee of the whole House. Is that not an ironic situation? This Liberal government does not care about the problems of workers' compensation today in the province.

I want to show members why we know that this is a fact with this Liberal government. I want to read into the record a letter from someone we heard from in Thunder Bay. This is going to be a difficult letter for me to read, because it does have some swear words in it and I am not a member who uses profanity. I do not resort to profanity in any of my conversations or debate.

But this letter has to be read into the record, because it is from someone who tried to deal with our Minister of Labour and this is what she got. Her name is Evelina Pan. Evelina Pan wrote to the Minister of Labour on 10 February 1989. She said in her letter:

"Dear Sir:

"I was one of the participants at the meeting at the auto workers' hall in Thunder Bay on the evening of Thursday, February 9, where you were asked to speak on Bill 162, workers' compensation.

"I was dismayed to hear the sort of language which you chose to use. I don't expect members of cabinet to be perfect, nor to necessarily agree with their views, but I do believe that any group which invites you to speak deserves to be treated in a courteous manner; that is to say, not to be 'treated' to foul language. I will name only a few instances. Speaking to Steve Mantis: 'You beat the shit out of me.' Speaking to Charles

Meeking: 'No fucking way I'm taking that job.' Speaking to Francis Bell: '...Shit all over the bill.'

"I'm afraid that you felt that because we were a group of trade unionists that we must be uneducated, both in the formal schooling sense and in the sense of etiquette, and therefore that type of language would be acceptable. I don't accept it and I don't think anyone should. In the future I hope that you will learn to conduct yourself in a style that befits a representative which the electorate put into office. I also hope that you will issue an apology to the group for your bad manners.

"Yours sincerely,

"Evelina Pan."

Now, Evelina Pan copied this letter to the Premier (Mr Peterson), the member for Fort William (Mrs McLeod), the member for Port Arthur (Mr Kozyra) and Charles Meeking, president of the Thunder Bay and District Labour Council.

There was a subsequent letter of apology from the Minister of Labour, but all I can say is that when Evelina Pan came before us at the Thunder Bay hearings, when she gave us this letter, I realized that the attitude of the Liberal government, through its Minister of Labour, has been well demonstrated by the fact that this minister thinks everything he does is something he can treat so lightly as to insult any group in this province. As Evelina Pan said, this group in the auto workers' hall was very upset and distressed.

That kind of language has to reflect an attitude. I am not so puritanical as not to realize that in the real world some people do use that kind of language. But we do not expect a minister of the crown, who represents the people of his government, to use that kind of language which insults and degrades everybody when speaking to people in this province.

As far as I am concerned, the language in this bill, which uses words like "suitable" and "available," is just as senseless as the profanity the minister used in his speech and in his conversations with those people in that hall that evening of 9 February. I hope what will happen is that somehow or other this Liberal government will come to its senses before we go through this process any further, and that finally it will recognize that the people in Ontario, both employers and employees alike, deserve something better as a solution for workers' compensation. They deserve to be heard and listened to not just for the process of elimination.



What we have now is a process that eliminates those groups that spoke to the committee, because for sure the people in the Legislature who will be debating Bill 162 from this point forward will not be the people who have any knowledge about what the real issues are. The people of Ontario deserve better. Those of us who are concerned for the people of this province—as I have said, employees and employers alike—in the Progressive Conservative caucus are ashamed of the fact that this bill is now being rammed through and taken out of the hands of the committee with no resolution having been achieved until this point.

From now on, the people who will be speaking will not be people who benefited from the case histories we heard. I regret that because of the time, I cannot give members some of those case histories, but some people have prattled all the way through this. In fact, I just would like to name the member for Muskoka-Georgian Bay (Mr Black), the member for York North (Mr Beer), the member for Ottawa West (Mr Chiarelli), the member for Scarborough-Ellesmere (Mr Faubert), and particularly I would mention the member for St Catharines-Brock (Mr Dietsch), because he is a member of the committee.

The fact that they have chosen to interject and prattle all the way through my speech is fine. It does not bother me, but it must bother their constituents. I think it would bother their constituents very much that they are not interested in injured workers, their employers in this province and the right of injured workers to have rehabilitation, dignity and integrity in being able to be self-supporting.

Some other time, when I have more time, I would appreciate the opportunity of putting on the record the cases that I am fully confident none of these prattling members to my left would.

**Miss Martel:** I am sorry that none of the Liberal members, especially those who were on the committee, have seen fit to get up and talk about this motion. Their participation here in the House today exemplifies exactly the type of participation we have seen from those members in the debate in committee on clause-by-clause. It was absolutely zero. They did not even have the decency to stand up to try to defend the government legislation. That tells a lot, but I assume they have their marching orders in here just as they had in committee, when we sat all through the course of public hearings and then through clause-by-clause on this particular bill.

## 1800

Usually when I start to speak in this House on a particular issue before this House, I am quite pleased to participate in that debate. I respect the parliamentary traditions in this House. I respect the parliamentary process and the ability of members to come in here from all sides, from all political spectrums, to express their views on different issues that affect this province.

But we are dealing here today with a motion concerning a bill which I have had some particular dealings with for many months now. I am confident, as I stand here in this House, as I was in the committee during clause-by-clause, to say that I do understand this bill very well, and I understand the amendments to the amendments, and the amendments to the amendments to the amendments.

**Mr Harris:** On a point of order, Madam Speaker: I realize we are in an unusual circumstance in that we are still in routine proceedings and have not proceeded to the orders of the day, and therefore the normal six o'clock adjournment would not automatically occur. I would therefore notice the clock and see that it is now a few seconds past six of the clock and seek the unanimous consent of the House to adjourn.

**Hon Mr Conway:** I will indicate to my friend the member for Nipissing publicly what I have indicated to the opposition privately, and that is that we will not be giving consent for the adjournment of this.

**The Acting Speaker:** As the member for Nipissing knows, without unanimous consent the debate shall continue.

**Miss Martel:** As I was in the process of saying before I was interrupted, I have studied this bill for a great many months now and I have spent many hours as well on the road across this province, speaking to injured workers' groups, speaking to trade union movements, speaking to many riding associations to outline our party's opposition to this bill.

I should point out that our opposition to this bill has not changed. We recognized early on after it was introduced that in fact it was fundamentally flawed, that it could not be amended by mere tinkering, with some amendments to try to fix it, but that because there was no process of consultation in the first place, the whole bill should be withdrawn and we should start again.

So I come into this debate today dealing with a bill that is, in my opinion, fundamentally flawed. I am angry and I am frustrated and I am extremely



tired. I cannot believe that the government of the day is going to proceed with this bill. I say that in light of the overwhelming body of opinion, those who came before the public hearings and stated their opposition to this bill.

I remind members of this Legislature that it is not only the New Democratic Party which is opposing this bill bitterly. There is a combined effort by the trade union movement in this province, by the legal clinics in this province that deal with workers' compensation—and almost all of them do—and by injured workers' groups in this province. They themselves have read this bill, studied it and taken a look at it from their expertise as members who deal with compensation every day. They have said, as we have said, that the bill is fundamentally flawed, that it is not going to make the system of workers' compensation any better in this province and that in fact it is going to make the system even more unfair, even more inhumane and more unjust than ever before.

While members, in particular on the government side, do not want to recognize that fact, they certainly cannot ignore the fact that the people who came before the committee hearings were people who are very well versed, well skilled and have a great deal of experience in dealing with the workers' compensation system and the board. While the government may not like what they had to say, it cannot say that their opposition comes from ignorance or their opposition comes from blatant partisan opposition that they are trying to express against this Liberal government. That has been alleged on more than one occasion in this House and outside, and I think that is really unfortunate.

In any event, we are sitting in here today debating a motion concerning a bill that I think is fundamentally flawed and should have been withdrawn a long time ago.

Before I begin the whole body of my remarks, I want to go through what has happened in committee and why I think this Liberal government has moved the bill out of the standing committee on resources development and into this House. I made some remarks about this in committee on Thursday and again yesterday, and I will make them again today for the benefit of all those who were not in attendance.

I think what the government has finally recognized—and it has taken a heck of a long time—is that the New Democratic Party is serious about its opposition to this bill. As I said yesterday in committee, I was very surprised that, in fact, last week the government House

leader approached a member of the Tory party and asked that member: "Is the New Democratic Party serious about its opposition to this bill? Are they really serious about holding this bill up?" I could not believe, for the life of me, that it has taken the government House leader this long to figure out that, yes, we are serious; yes, we believe this bill should be withdrawn; and, yes, we will continue to oppose this bill in the face of this massive opposition for as long as we possibly can.

I cannot understand why it took him so long. He obviously had not been following many of the debates in this House or in committee, but it certainly seemed to me to take a long time for him to understand that, yes, we were serious and, yes, the government in this case was going to have to ram this bill down the throats of the workers in Ontario because we were not going to give this bill to them at all or co-operate in any way, shape or form in getting this bill through in order to get out of here.

I think the second thing that is motivating the Liberals in this case has to be the embarrassment that comes every day in this House during question period. Whatever brave face the Premier (Mr Peterson) of this province might like to put on—and he certainly tried today—the fact of the matter is that there is a large number of very serious allegations concerning not only contributors to the Liberal Party but members in this House. As the scandals unfold day after day, as the investigations are geared up and as questions concerning Envacc and other important issues come to the fore every day, it cannot be very pleasant for the Premier of this province or some of his colleagues to see that unfold.

When we came back here in April, I remember that the government House leader had a long, long list of bills that were a priority and that had to be passed before we could recess this summer. It is amazing how many of those priority bills have been pulled off the table in the last number of weeks as the scandals continue to grow and unfold in this Legislature.

That is not by accident; let's not kid ourselves. We see a government that wants to get out of here as quickly as it can but it also wants to get this bill out of the way because, God knows, if it carries over the summer and the committee deals with it over the summer that is only going to start a second round of outside agitation and a second round of opposition, demonstrations, petitions, etc, against this bill.

I think what the government has in mind is that if we can clear Bill 162 out of the way and shut



this place down, the Liberals can certainly avoid the embarrassment they are feeling every day during question period; but, second, when this House resumes in the fall, the Liberals can come in with a clean slate, perhaps a cabinet shuffle, and they can try and start again to repair some of the damage that has been done to their reputation over the last number of weeks.

Third, I think the motivation behind the motion that was moved in committee on Thursday has to be that some form of commitment was made to the Workers' Compensation Board on this bill. I repeat again that early in February our research department called to the WCB inquiring about how we could get information concerning Bill 162 and the board's opinion of Bill 162. We were told by the communications department at that time that the WCB would not give out information on this bill until it was passed at the end of June 1988. This is at the same time, I point out to members of this House, that the resources development committee had only just begun the course of public hearings around the province.

What did the people at the WCB know that members on that committee did not know? What kind of arrangements had been made with the board concerning the passage of this bill and what form it would take that members of this committee, and in particular the New Democratic Party, were not privy to?

**1810**

We have passed the end of June but certainly that commitment could still be met if, in fact, this government moves closure here in the debate in this House. If we put all our cards on the table—and we might as well—the motion that was moved in committee on Thursday really is that: a closure motion. I have no illusions that very shortly in this House, when this particular debate is finished, there will be a motion to close this particular bill down. I think anyone who thinks otherwise is certainly deluding himself. Otherwise that committee could have dealt all summer with this bill. We could have gone right to the fall, because there is so much business to be dealt with and so much of that bill to be dealt with that we could have gone on at great length.

I think anyone who is trying to kid himself and say that this is not what is going to happen in the next few days, that in fact the government is not going to close this down and ram this bill through, is sadly mistaken. That is an unfortunate thing as well, because this bill is so absolutely important, it is so critical, that to have no changes to the bill and to have it put in place in the way it was—never mind that the amendments

would not have changed much anyway—is really a disaster for working people in this province.

I just want to point out, as my colleague the member for Algoma (Mr Wildman) and my colleague in the Conservative Party have pointed out, some of the things the parliamentary assistant said when she moved the motion to report the bill on behalf of the government. She said, "We can benefit from more extensive debate in this House." If there was ever a bigger joke, I do not know what it is; because for anyone who has sat in that committee for any length of time or for anyone who has taken up some of the Hansards and read what has gone on at committee, there has been no debate in that committee. It has been all one-sided. It has been all on the part of our side.

It seems to me very strange that the Liberal members on that committee could not even get up and defend this legislation. The parliamentary assistant spoke on behalf of the ministry and on behalf of the government. Dick Clarke, who is a Ministry of Labour official, answered some of the questions that were raised but, other than that, the government members on this committee kept their mouths shut, as I am sure they were told to do, and we continued to carry the debate day after day after day.

It would be interesting if we were to break down exactly what went on in that committee. The parliamentary assistant pointed out that we had spoken for about 26.5 hours on the amendments themselves on the clause-by-clause consideration. It would have been interesting if we could have had a breakdown of who spoke, how long they spoke and from which side they spoke, because I think it would be an embarrassment to this Liberal government to see that its members could not even get up the courage to respond to this bill and say why they were supporting it. Time and time again it was the members in our party, my colleagues who were in committee with me, who again and again pointed out our opposition, and why, and why the bill should be withdrawn.

The second thing the parliamentary assistant said which I want to comment on was, "There will not be progress until this bill goes into the House." I point out again, as I did yesterday in committee, that anyone who thinks that we are not going to do the same thing we did in committee day after day is sadly mistaken. There will be no progress on this bill in this House because we will do the same thing as we did in committee, which was to speak at length on every motion, to divide on every motion, to take



the 20-minute recess that the rules of this House allow us in committee—and we will do the same thing in here when this bill comes up for debate.

The parliamentary assistant can rest assured that there will be no progress, as there was no progress in committee. It is a bit of a farce for her to suggest it, but I suppose she did not have much a reason to say why the bill should come back in here and she had to say something.

Third, the parliamentary assistant pointed out, “The bill is an important one and it should not be tinged by the use of rules to delay debate.” It seems to me that she must be taking some lessons from the government House leader because that is the same kind of line that members of this House heard from the government House leader some five or six weeks ago when he stood in his place and ranted about how the opposition was abusing the rules of this House by using petitions and bell-ringing, and that in fact this government would move unilaterally to change the rules and make sure that would not continue happening.

I point out again that never in the history of this Parliament or of this province, in terms of rule changes, has one side, the government side, ever tried to move changes of rules on its own.

I point out again that it was not the first time we had heard that kind of comment in that committee. Some weeks ago, we had the member for Kitchener (Mr D. R. Cooke), who was in the committee and who, when the opposition rightfully asked for a 20-minute recess, suggested to the chair that the rules in that committee should be changed too, so that the opposition members could not call for their 20 minutes, and that they should be changed then and there, because he was disturbed of course by the fact we could actually legitimately use some rules to delay the debate in that committee.

I do not know if the House leader is going around training people in this place concerning rules or how we should undermine or take away the rules of the opposition in this House, but certainly what I heard from the member for Halton Centre in that committee on Thursday disturbed me greatly.

Following closely from that, I suppose, was the allegation that because the opposition members used the legitimate rules we have to delay the debate in fact this in some way, shape or form stymied any participation by Liberal members on that committee. I point out again that absolutely nothing could be further from the truth. Every member on that committee had the opportunity to participate at great length. Most members who sat in there day after day had been on the public

hearings, had heard the concerns, had read through, I hope, some of the amendments to the amendments to the amendments that the minister had moved on 25 May.

Again, the Liberals chose not to speak during the course of the clause-by-clause debate. They chose not to defend the reason why this bill is being rammed through this House and pushed on to workers in Ontario.

Finally, the last thing the parliamentary assistant said was that the bill is an important one. That is probably the truest thing she said during the whole course of her comments.

This bill is tremendously important, not only to people who will be injured in the future but to those who are injured now and to all those people who deal on behalf of injured workers in this province and to employers as well—all of the people involved in the compensation system in this province.

I cannot believe that because this bill is important, as she says, we would then turn around and put it into the House, because most members of this House would not have had the opportunity to participate in the course of the public hearings or in the course of the clause-by-clause discussion. They would not have heard the stories from injured workers concerning the need for mandatory rehabilitation, concerning the need to do away with deeming, concerning the need to retain permanent pensions for the life of a worker.

It seems to me a bit of a farce to put that bill into this House, because most members in this House will not have read the bill. They will not have read the many amendments to the amendments or the amendments that were put forward by the minister and they will not have the benefit of what we who took part in the public hearings had in relation to this bill and what should be done with this bill.

Finally, the point must be raised that we are debating a motion today to report this bill back into this House and I think all members, especially members on that committee, should ask themselves, “What are we to report?” In fact, in the number of weeks we sat in that committee, day in, day out, we have gotten through all of one and a half pages of this bill. We are going nowhere fast. In fact, we never reached any of those parts of the bill that those groups who came before us had substantial problems with.

In light of that, it seems strange to me that we would come to this House and report that we have had some progress and we are putting it back into the House for the continuation of that progress.



In fact, the bill has not been changed in any way to respond to the concerns of the unions, the injured workers' groups or the clinics across the province.

I guess the only thing that can be said is that at least now it is going to be on TV and people can see who is talking about this bill, either to oppose it or to defend it, and it will be interesting to see if that prompts any of the Liberals on the committee to actually get up and say something in defence of this terrible piece of legislation.

**1820**

We should not be here today, but the Liberals really forced our hand last Thursday and they decided that this bill should come in here in anticipation, I am sure, and I repeat again, of a closure motion in this House. Because we have been put in this position, as a party and as members of this Legislature, I intend to speak at great length on this bill.

There are a number of things I want to say concerning our position, concerning what the hearings were like, concerning this whole process and concerning how bad this bill really is.

I want to go through my remarks in two ways and I will point out to members of the House that the focus of my remarks will really be on two things. The first will be what in fact should be reported by this committee to the public at large about this bill and about the process, but information that probably will never be public; secondly, what should have been reported by this committee if the Liberal members on that committee, after the course of public hearings, had had any guts and said that this bill should have been withdrawn, as we heard time and time again during the course of public hearings.

I intend during the course of my remarks to use a large amount of reference material. Some of the things about this bill and the process are better said than anything I have said and I intend to put them on record now.

I want to start, I think in a most appropriate way, by pointing out to all members of this House what should be reported.

The first thing that should be reported is that the Liberal Party position on the dual award system has shifted dramatically from 1982-83 to 1988 when Bill 162 was introduced. I suppose that is what happens when you move from a position of opposition in this House to the position of a big majority. In fact, you will see that the Liberal members' position has shifted tremendously. They were in defence of workers in 1982-83 and in many cases Bill 162 is a

complete opposite to what the Liberal members voted on and argued for during committee hearings in 1982-83 on a similar dual award system.

Let me go back and look at the history and put it into perspective for members of this House.

In 1980, the then Minister of Labour, Dr Bob Elgie, announced that one, Professor Paul Weiler, had been appointed to make "recommendations with respect to the workers' compensation system in Ontario." There had been at that time a large debate most recently before that in 1975 about how the system should be reformed, how the system should be changed and at that point, Dr Elgie was looking for someone who could make some kind of report on, in particular, the payment of permanent pension disability awards.

The task given to Professor Weiler was, more specifically than anything else, to look at the possible changes in the system to make, in his words, "compensation more fair, more humane." Professor Weiler carried out his study. In November 1980, he released his report to the Minister of Labour and that report contained 21 basic recommendations.

Those recommendations were taken by the Minister of Labour at that time, Dr Elgie, and they formed the basis of what the Tory government of the day called the WCB white paper. It was introduced in June 1981 in the hopes that there could be an avid discussion with all members of the public, all groups interested in workers' compensation, on what Paul Weiler had said, on what the government intentions were and on what in fact, in the end, would be the legislation.

It is interesting to note that the Liberals did not do this. We are talking about major reforms introduced in the white paper, which was a draft for people to discuss and comment upon. It was not actual legislation, as was introduced here in this House in June 1988.

It is interesting to note what Dr Elgie said in that regard and how his view about how this whole process should be handled differs from the view and the actual path that was taken by this Minister of Labour. In the white paper, this is what Dr Elgie had to say:

"This white paper sets out the government's proposals for change in the province's workers' compensation system.

"When I received Professor Weiler's report last November, I caused it to be circulated widely to labour and management groups and to other interested parties for comments and suggestions.



I have had a number of responses and have had several meetings with interested parties to discuss the proposals. As might be expected, there are some differences of view on the substance of the proposals. In the main, however, there is a broad consensus in favour of the major thrust of the proposed revisions.

"However, before introducing a bill in the Legislature, it has been decided to circulate this white paper, setting out the 21 substantive revisions which the government believes may be appropriate and illustrating how these revisions would apply to the day-to-day administration of claims. The present intention of the government is to proceed with enactment of the new legislation along the lines set out in the draft bill as soon as possible, unless I receive strongly supported reasons for modification."

Is it not strange that the approach taken then by the Tory government was greatly different from the approach taken by this particular Minister of Labour? In fact, a report was done by Paul Weiler and on the basis of those recommendations the government did not move with legislation immediately but decided that there should be the fullest public input on those recommendations and then legislation would be drafted, based upon what the committee heard during the course of those public hearings. What a change. What a difference that might have made if the same approach had been followed with Bill 162, but of course, it was not.

That study, those recommendations and the white paper itself were taken or assumed by the standing committee on resources development of the day. That committee held public hearings across the province, that committee went through the fullest possible review of those recommendations and on 16 December 1983 there were three reports tabled in this Legislature: the majority report of the Tories in support of the white paper and a dissent on the part of both the Liberals and the New Democratic Party.

I want to look at the dissent, in particular, by the Liberals and some of the things the Liberal members on the committee at that time said with regard to the dual award system which appears in Bill 162 and with regard to three other issues which appeared in the white paper and again appear in Bill 162. I think members will clearly see how the position has shifted. I say again, that must be what happens when a party in opposition assumes power with a big majority.

I want to look at the text of the legislation. First of all, I want to deal with the dual award system itself, which I should point out, as many

members will recognize, is really part and parcel of this particular bill and one might say is at the heart of the proposals in Bill 162. The dual award system was a little bit different from that which is proposed in Bill 162. The white paper says this:

"It is therefore proposed to initiate a dual award system of compensation for permanent disability cases. First, the board will be directed to pay lump sum awards to individuals who lose a limb at work or suffer from other serious physical impairment."

That is basically the same as what appears in Bill 162. The only difference, of course, is that the lump sum payment envisioned by the Tory government at that time would begin to discriminate on the basis of age at age 40. In Bill 162, that discrimination begins at age 45. What it means, in effect, is that if you are above the age of 45, under Bill 162 you get \$1,000 less in your lump sum payment, and if you are below the age of 45, you get \$1,000 more. It is the most insane and asinine way to compensate injured workers that I have ever seen. On that, we are almost the same, except that in the Tory proposal the discrimination began at age 40 instead of 45.

The second and probably the more important part is also reflected in Bill 162. It is that loss of earnings is supposed to be made up if you cannot return to your former employment or if you return at a wage loss from what you experienced before you were hurt. The white paper said this:

"Second, the board will also provide periodic compensation benefits designed to replace the net wages which an individual worker actually loses as a result of his physical impairment. Among other things, the worker must also have an incentive to co-operate in all of these efforts in returning to work. If, however, an injured worker refuses to accept employment which is suitable for him and was actually offered and available to him, the board will then be empowered to deem that he is effectively earning the income from such a job in calculating the wage loss for which he is to be compensated under the statute."

### 1830

That is a significant difference from anyone who is dealing with Bill 162. In fact, the white paper proposal did use deeming, but the deeming was only to be allowed in the case where the worker actually out and out refused employment that was offered to him. The second stipulation was that the employment had to be suitable and it had to be available, and if those cases were met and he refused, then the board had the power to deem.



I point out to workers what two members in this House—actually three, but two I will quote from in particular—had to say about the practice of the board deeming and about the practice of trying to determine what the wage loss would be using the words “suitable” and “available.” I point out again that the deeming process under the white paper could only take place if in fact the work was suitable and available and the worker turned it down.

This is what was said by the present Minister of Community and Social Services (Mr Sweetney) regarding these two words, “suitable” and “available.” I quote:

“It is the word ‘available’ that concerns me. For example, as I am sure you are now aware, there are some situations where workers are simply told, ‘There is work out there; go find it.’ The other difficulty is that it may be available, but it can be available in such a geographical location as to put considerable hardship on a worker. It can also be available in the sense that it might be available for three or four months, but it is not a job that is going to last.

“It is all of these connotations of ‘available’ that concern me. In the general definitions at the beginning of the draft bill there is no reference as to how you would tighten that down. It is too loose. Those of us in the Legislature who work with the compensation board people fairly frequently know that those are the kinds of things that cause so many of the conflicts.”

A truer word was never spoken.

Let me go on and point out what his colleague the member for Windsor-Sandwich (Mr Wrye) had to say in terms of “suitable” and “available” and why it was going to be necessary for members of that committee to define those two words in order to ensure that deeming on the part of the board was used in the most limited cases and not with an overall broad sweep in terms of trying to punish injured workers. The member for Windsor-Sandwich said this:

“I view writing an act without a definition of the words ‘suitable’ and ‘available,’ leaving all of that discretionary power to jurisprudence or the board or a combination of both, extremely frustrating. Perhaps it is unfair on my part, Professor”—that is Professor Weiler—“however, I find it most frustrating because our history of relations with this board has not been the type of history that would lend itself to this kind of discretionary power. I honestly think that injured workers and those of us who have had dealings with them are going to find it very frustrating.

“How can we do that without a definition of ‘suitable’ and ‘available’? I do not understand why we are going to leave all that discretionary power in the hands of the board or of jurisprudence, as you have described it. As a legislator, I have a real problem with saying that we are going to set up this appeal board and give them all the wide-ranging power to give us a set of jurisprudence on the words ‘available’ and ‘suitable’ when in point of fact those of us who are elected on behalf of injured workers and a whole lot of other people ought to have the political courage to begin to try to define those words. If we do not have the political courage, I quite frankly don’t know what the hell we are doing here.”

It is amazing that even in 1982-83, when these Liberal members sat on the committee, they could express then the same concerns that groups who came before us expressed: that you could not leave all kinds of discretionary power in the hands of the board because, quite frankly, all that would do would increase the conflict, not only for injured workers but for employers and all representatives who had to deal with the Workers’ Compensation Board.

So we had two Liberals who decided that you could not leave those definitions open-ended, you could not leave that to the board to decide, but in fact members of that committee had to have the courage to go ahead and define the words to limit the discretionary power of the board. The Liberal members on that committee in December 1983 supported the Tory recommendations on the definitions of the words “suitable” and “available,” and I quote:

“Following extensive discussion, it was therefore agreed that suitable work should be work which the individual is physically capable of performing, for which the individual is qualified and which does not place unrealistic demands on the worker. Reasonable consideration should be taken to ensure that the worker does not risk reinjury or aggravation of the original condition in returning to work.

“The committee also agreed that the board should make an assessment of suitable work only when the worker was fit and had either recovered from his injury or had received proper vocational rehabilitation. It was agreed that work should be considered available to the worker when the worker has actually been offered specific work that is suitable to the worker.”

What a far, far cry from what the Liberals have proposed in Bill 162. What a dramatic shift of positioning from what they thought was so important in 1982 to what they have found to be



acceptable in Bill 162. Let me just point out the contrast and the complete turnabout that we have witnessed in this particular section, from the white paper to the deeming involved in Bill 162.

If you go to Bill 162, you find out quite quickly that the words "suitable" and "available" that the member for Kitchener-Wilmot (Mr Sweeney) and the member for Windsor-Sandwich were so worried about are in fact not defined anywhere in this bill. The most that has been done, and this was after the course of public hearings and after numerous cases on deeming were raised, is that the Minister of Labour moved to try to qualify what he thought "suitable" and "available" should be. It is not a definition, but to put some limits on what the board can consider, and this is his response instead of an actual definition of "suitable" and "available."

"For the purposes of clause 20(1a)(e)"—and that is the section on deeming—"in establishing criteria for determining what constitutes suitable and available employment for a worker, the board shall have regard to, (a) the fitness of the worker to perform the work, (b) the health and safety consequences to which the worker, in performing in the environment in which the work is performed..., (c) the existence and location of potential employment opportunities for a worker in the labour market in which the worker is expected to be employed and, finally, (d) the likelihood of the worker securing employment."

That is all the protection injured workers have against the board's power to define "suitable" and "available." He could not even define those words. All that could be done by this Liberal minister was in fact to try to set out some guidelines, and only after the committee heard case after case of workers being penalized by deeming on the part of the compensation board.

That is not the only problem when it comes to deeming. In fact, although the minister has put out some guidelines for the defining of "suitable" and "available," he has done nothing to respond to all of the other criteria that are used in the deeming process besides suitable and available. Those include in the bill:

"(a) the net average earnings, if any, of the worker at the time the board determines compensation under this section; (b) any disability payments the worker may receive for the injury under the Canada pension plan or the Quebec pension plan; (c) the personal and vocational characteristics of the worker"—whatever that is and whatever the board finally decides it should be—"(d) the prospects for successful medical and vocational rehabilitation of the worker; (e) what

constitutes suitable and available employment for the worker; and (f) such other factors as may be prescribed in the regulations."

We have just opened up the floodgates, because in point of fact there is absolutely no protection anywhere in this bill, even in the most recent amendments moved by the minister, that stops the process of deeming or that in any way, shape or form even limits the board's discretion in that particular case. That is a far cry, I point out again, from what the Liberals found acceptable in 1982-83. It is a far cry. You could say it is a huge backslide, as a matter of fact.

It is really unfortunate that what two cabinet ministers in this present House found so unacceptable in 1982-83 is now so unacceptable when it is the Liberal government that is moving a bill that has a dual award system.

#### 1840

The dual award system and that particular problem is not the only area where the government has moved from its position taken when in opposition in 1982-83. The next section I would like to look at concerns what is called integration of Canada pension plan or Quebec pension plan. What it proposes in Bill 162 is that when workers' earnings are calculated and those workers are in receipt of any money from the Canada pension plan for the disability or from the Quebec pension plan, in fact their compensation payments are going to be reduced to take into account the payments they get from that other source.

It is interesting to note what the Liberals said in this regard in 1983, and I am quoting from their dissent:

"WCB benefits should continue to be considered separate and apart from CPP benefits. This issue involves a number of complex judgements and cannot be represented as simply black and white. It cannot be stated, for example, that an injured worker has an absolute right to such stacked benefits. On the other hand, it equally cannot be stated that such stacking would provide for more than actual income loss, one of the fundamental principles of these reforms for reshaping workers' compensation.

"Apart from the argument against the over-compensation theory, there are two other reasons why this action should not be taken at the provincial level"; that is, the integration of CPP. "It is, in the judgement of the Liberal minority on this committee, highly improper in the first instance for a provincial authority to presume that it can fund a provincial program out of



money collected under an act of another jurisdiction.

"Notwithstanding earlier measures in Quebec and Saskatchewan, it would seem that, at a minimum, Ontario should ask the federal government for authority to use funds from another plan to pay for the benefits flowing from legislation to protect injured workers. It is, in the view of the Liberal minority, a change which quite properly should only be taken by the federal jurisdiction after proper consultation with those providing funding for CPP."

So they were against that. It is interesting to note that in spite of what the dissent said in 1983, if you take a look at Bill 162, and I just did a quick review of it last night in this regard, in fact in three places on one page in this bill it talks about deductions for CPP and QPP payments in respect of calculating the benefits of workers. So, in fact, what was good enough for the Liberals while they were in opposition has not been good enough for the Liberals when they have come to power. Now, stacking should not be allowed and now workers who collect workers' compensation should not be allowed to collect CPP in the same way without having a portion of that payment deducted.

I point out again that it is a far cry from what the Liberals found acceptable in 1982, and I can only wonder what has caused that change of heart.

The third particular area that is worth discussing here concerns benefit contributions made by employers. The contributions we are dealing with are those made by the employer concerning health care, life insurance and pension credits on behalf of the worker. The Liberal position in this regard was that the Liberals not only agreed with the Tory majority's position that the employer cover the whole share of the cost of these benefits, they also wanted to go beyond the one-year coverage, and they said this:

"It is the view of the Liberal minority that the original proposal and the majority recommendation contain an extremely important omission. Injured workers will receive the protection of their former employer or the board until the day they return to employment. If, for whatever reason, they return to work with a new employer who offers less benefit coverage, no provision has been made to make up for that loss.

"We believe that situation should be rectified. In the first place, employment benefits are a form of income and the entire rationale for the wage loss system is to compensate for actual wage loss. If that is so, then it is reasonable to suggest

that employment benefits...should be covered. For a number of reasons, vacation, statutory holidays and leaves of absence are not proposed for coverage in the fringe benefit loss.

"Secondly, the recipient of this new benefit would most likely be the most severely injured worker, the worker who has been most difficult to rehabilitate and most difficult to place in new employment. Such fringe benefit loss protection will offer an additional psychological boost to a worker returning to employment with a new employer, in a new field of work, and with strange new companions. It will not be a costly item, but the dividends in providing a positive incentive to those most unfortunate of all injured workers will be more than worth that added cost."

If members go to the bill and take a look at section 5a, which deals with the employment benefits package, they will find again that the Liberal position has really shifted in this regard. Where in the dissent they thought the employer should pay the full cost of the benefit package, in Bill 162 the only time an employer was obliged to continue paying these benefits was when in fact he paid a portion of the benefits and the worker paid the other portion of the benefits. That is the only time the benefit package was going to be continued.

When we moved in committee that if the worker could not pay it—because many workers would not be able to afford that coverage when on workers' compensation because with all of their other payments they would be strapped for cash—then the employer would pay his share and be reimbursed by the worker when he returned to work, the Liberal members on the committee voted that down. The reason for voting that down was that they did not want the employer to be left holding the bag if the worker did not return to work.

The parliamentary assistant to the Minister of Labour, the member for Halton Centre, said she was going to vote that down because we had not proposed a mechanism whereby the employee could repay the employer. What a sad, sad excuse for not putting into place a protection which injured workers have a right to and deserve in this province.

Finally, if I can, I just want to deal with the final section in terms of the change—

Interjection.

**Miss Martel:** No, I am not anywhere near finished—the final section in terms of the difference between the white paper and Bill 162.



It concerns the ceiling levels that are in place under the Workers' Compensation Act.

In 1983, the Liberals proposed the complete elimination of the earnings ceilings in five years, and they said this:

"It is the view of the Liberal minority, that this proposal reaches to the heart of the principle of structuring benefits under the act in such a way that those benefits provide, as closely as possible, for actual income loss. In his report, Professor Weiler indicated a nagging concern over a complete removal of the ceiling, suggesting that such a change would involve an exploration of 'uncharted terrain in Canadian workers' compensation.' As a compromise, he placed a cap of 250 per cent of the average industrial wage on the ceilings benefit. We are not convinced that time has proven this cap to be necessary, and thus propose to remove it."

They wanted to do that within five years. In the dissent, of course, they outlined how that could be done. They said further, and I want to quote this part:

"We must respond to the practical problem of ensuring that essentially all the earnings...of all of the industrial workers in the province are protected by the same compensation legislation which takes away their right to sue in court to collect the remainder of any income losses they might have incurred."

It is interesting that the party that wanted to move in five years to remove the ceilings and allow workers at any level to gain up to 75 per cent of gross, in that case, of the earnings they had lost because they were hurt, that same party could not even in Bill 162 reach the Weiler proposal, which was 250 per cent of the average industrial wage. It is interesting to note that the ceilings, while they are a change from the ceilings at present, did not even go as far as that which Weiler had suggested.

It is important to note again that the Liberals dissented even against Weiler and suggested he did not go far enough and they would go further. The ceilings proposed in this bill are not going to help a lot of industrial workers in this province who make far beyond and who, like every other worker who is hurt on the job in this province, should be entitled to compensation that reflects as closely as possible the loss in income they incur because they are hurt.

**1850**

As I pointed out when I began the discussion on this section in particular, we have seen a dramatic shift from what the Liberal Party said in 1982-83 in response to the white paper to what it

has proposed in Bill 162. The group that put this effort together in terms of this particular presentation is a group that in fact appeared before the committee in 1982-83. It is the Union of Injured Workers. They, more than anyone else, have been absolutely amazed at the backsliding that has gone on with the Liberal government since that time.

Because they can say it much better than I, I just want to quote what their conclusion is on Bill 162 and how it is so dramatically different from the position taken by that party when it was in opposition in 1982-83. They said:

"Bill 162 is a bill of the Liberal Party of Ontario. We would be remiss in our duty to our membership, to our clients and to your committee, including the Liberal members, if we did not point out that Bill 162 is in sharp contradiction to the Liberal Party position of 1983 and that the Liberal position in 1983 came as a result of extensive, province-wide hearings of the resources development committee.

"We are left wondering why cabinet ministers like Bill Wrye, the former Minister of Labour, John Sweeney, the minister who will see more and more injured workers apply for welfare, and Jack Riddell, all of the cosigners of the 1983 Liberal position paper, do not seem to be speaking out in public. Where do they stand today, and where does Premier Peterson stand on this issue? Is he is not concerned about such a blatant political flip-flop? How can he boast in the United States about his activist social agenda when the Liberal Party now rejects the very promises it made to injured workers in Ontario in 1982-83?"

I think it is an important point that was made by the injured workers' group. They spent a great deal of time putting this together. They spent a great deal of time going through the Liberal dissents, what happened in the committee in the days when the white paper was being studied, and they have hit it dead on: that in fact this Liberal Party, having attained now a position of majority in this House, and a big majority at that, has completely forgotten the promises it made to injured workers and working people, especially on questions of reforming workers' compensation.

I think it is a sad day as we point out in this House how times change when you assume a big majority and how easily members who were here then can forget what it was like, and in fact can forget what they said when they were in the position of defending injured workers when in opposition.



The legislation, as it is presented in Bill 162, is far more damaging than what the white paper was. The dual award system, as I have already pointed out, under Weiler, under the white paper, was only to be used in the case where a worker had absolutely refused employment which was offered. In the case of Bill 162, we do not even have that minimal and most basic of protections.

Anyone in this House who can stand up and say, "In fact, we have proposed a new system, a better system than anything that has been proposed before," is being absolutely ridiculous. What we have in Bill 162 is a system, as I have said before, which is going to cause even more grief than anything any of the members of the committee in 1982-83 foresaw then.

The second thing that should be reported to this House and to the public at large is that there was absolutely no consultation about this bill prior to its introduction. We can look at consultation on two levels, and I intend to do that.

First, there is the question of very broad consultation with interested parties about how the whole system should be reformed, the viewpoint that all of those interested parties have in terms of what is wrong with the system and, over the long haul, what changes should be made together to try to make that system more effective and more responsive to needs of injured workers and employers in this province.

There is a second question of consultation, which is consultation, very basically, on any proposed legislation and the terms of reference of that legislation and what, in fact, the government has to do or what it wants to do after consultation with those broader groups. In both cases, the public should be involved because, on a question as important as workers' compensation, it is absolutely essential that if you are going to get any co-operation then all of the groups concerned have to be involved.

Let me deal with the first question of consultation on this bill. As I have pointed out, it must be said that there was absolutely no consultation on either level by this government before this bill was introduced. If members take a look at the ministry pamphlet which introduces this bill and talks about it—it is entitled *Reforming Workers' Compensation in Ontario*—the back of the pamphlet says this:

"These changes," meaning Bill 162, "are the result of a great deal of study. In 1985 the Ontario government commissioned research on how best to compensate injured workers and how to help

them resume earning a living. After these studies were completed, the government talked to representatives of labour and business, and injured workers themselves, to put together a plan for a better, fairer system of workers' compensation. The changes that are being introduced are based on that plan.

"Overall, these changes will not add to the cost of workers' compensation because they involve a better use of existing funds. All of the changes are included in Bill 162, which has been introduced into the Legislature."

The minister has tried to say, in explaining his position with regard to this propaganda that went out on the bill, that in fact there have been years and years of consultation about how to reform workers' compensation in this province, and that Bill 162 represents a culmination of all those discussions that went on between labour, business, the ministry and the Workers' Compensation Board.

In fact, there have really been two consistent and major debates that have gone on since about 1980. I want to deal with the two of them. The first concerns the dual award system. I have already mentioned that the proposal for a dual award system came when the former Minister of Labour, Bob Elgie, appointed Paul Weiler to do a study of how to compensate for permanent partial disability.

That debate has gone on and on and on. In fact, in 1986, Professor Weiler submitted the third of his reports on how to compensate for permanent partial disabilities in this province. It is completely—and I must say this—erroneous to say that the dual award system presented in this bill is one that in any way, shape or form has been accepted by the majority of people concerned about the system, or, in fact, is one that any government should proceed with.

I go back to what happened in the case of the white paper and what happened to the dual award system which was proposed in that white paper. In fact, after the course of public hearings when injured workers, the trade union movement and the legal clinics came out and protested bitterly against the proposed dual award system, the government of that day at least had the sense to withdraw it.

When Bill 101 came into this House, being based upon the white paper itself, the dual award system was not part of that package. That is because the government listened to the concerns that were raised and recognized that the dual award system was not acceptable to a good part



of the group that had to deal with compensation or would be affected by it.

In fact, the Minister of Labour of the day, Russ Ramsay, said: "A dual award wage loss concept has many appealing features and when it was first proposed in 1980, there was considerable general support for it. Over the past few years, however, that consensus has not been sustained." So the Tories withdrew it and it has not reared its ugly head again until we see it now in the form in which it is in Bill 162.

But I point out that even in 1986, when this government, after receiving the third report from Paul Weiler, then sent copies of that report out to interested groups, (a) many groups said they never received the report, and (b) those groups that responded to the report stated categorically that they did not favour a dual award system which was based on estimated wage loss and not based on actual wage loss.

### 1900

Their opposition was clear again in 1986. In fact, I want to point out what was said by two people in this regard in terms of actually receiving the report or being able to comment on Weiler's report at all.

This is what Gary Parent has to say. Windsor and District Labour Council president Gary Parent is on the list of those who were allegedly sent copies of the Weiler report in 1986. Asked what he did with his, Parent replied, "We never received it." It would have been a little bit difficult for him to comment on the proposed changes in 1986 concerning the dual award system when he never got a copy of the report in the first place.

Two people who did receive the report, though, Gord Wilson, at the Ontario Federation of Labour, and Phil Biggin, who is with the Union of Injured Workers, did comment. "Wilson and Biggin acknowledged receipt of the document, but both say organized labour opposes the dual award system."

I do not know how much clearer it can possibly be that there has never, ever been any agreement that a dual award system based on estimated wage loss and not actual wage loss and a system that allows for deeming have ever been accepted by any group in this province. Maybe the employers have accepted it, but certainly the coalition of injured workers, legal clinics and the trade union movement has bitterly opposed it every time it was proposed by the former government or when it responded to Paul Weiler's study again in 1986.

It is completely erroneous of the Minister of Labour to suggest that in fact the dual award system which appears in this bill is the result of many discussions since 1980 on how to reform the system. The Minister of Labour knows full well that a dual award system like that proposed in this bill has been unanimously rejected, not only by this party but by all of the groups that I have named before: the trade union movement, the clinics and the injured workers' groups. To try to suggest that in fact there was consultation and this is the result of consultation does not take into account at all what the people had to say when they opposed it and what all those groups said when they condemned this particular system, not only in 1983 but again in 1986.

The second issue that has been extremely important in terms of reform of workers' compensation in the last number of years concerns rehabilitation. In fact, rehabilitation in this province, or the service of it, was so poor that in 1986 the Liberal government was forced, in the face of bitter opposition and extreme outcry against the system, to put in place a task force headed by Minna and Majesky.

That task force travelled around the province, spent \$2 million putting together a tremendous report, heard from hundreds and hundreds of workers about how bad rehabilitation was and how it should be changed and reported to the former Minister of Labour in August 1987. That report, which was not announced by this government until April 1988, was then put out to the public for the public's view on it.

There has been unanimous agreement that what was proposed in the Majesky-Minna report is the way this government, and indeed then the Workers' Compensation Board, should proceed in terms of providing adequate and efficient rehabilitation to injured workers who need it. There has never been any doubt, even when you look at the makeup of that particular committee, that the employer representatives, the trade union representatives and the medical community who were involved in that particular study unanimously agreed on the recommendations that came forth. They knew that something was dramatically wrong and they decided to reply by stating that in fact there had to be some dramatic change and they agreed on the dramatic change that had to be made.

It is interesting to note, though, that the government of the day—this government, in fact—has never had the political courage to implement those recommendations. In spite of all the work, in spite of the cost to the taxpayers,



in spite of a desperate need to change rehabilitation, this government has done absolutely nothing to ensure those recommendations make their way into this bill and subsequently on into the Workers' Compensation Board.

I want to read two things that point out just how far off the mark this particular minister is in terms of rehabilitation. He has tried to say on occasion two things: that the majority of the recommendations appear in this bill; or, if that was not good enough and he was questioned further, that in fact the majority of the recommendations already have been implemented by the Workers' Compensation Board in its new vocational rehabilitation strategy, which was announced in January 1989.

I want to contradict that by going back first to Wally Majesky himself, who would know better than anyone else whether the board has implemented anything that the group he chaired had to say. In May 1988 at a news conference, this is what Wally Majesky had to say about the new vocational strategy and what the board had done with all of the recommendations from the Ontario Task Force on the Vocational Rehabilitation Services of the Workers' Compensation Board:

"The new WCB vocational rehabilitation strategy has rejected approximately 87 per cent of the task force recommendations, or 73 out of a total of 84. It's obvious to me that the Workers' Compensation Board is still driving a 1914 model of rehabilitation, but what they have clearly and cleverly done is redesign the outer body to give it the look of a sleek new vocational rehabilitation structure. But underneath that gleaming new exterior is the same outdated engine which will continue to work to the detriment of injured workers."

That, my friends, comes from the man who co-chaired that particular committee and I do not think anyone in this House would say he is lying when he says that the recommendations which he parented—I could use that word—as co-chairman of that committee should be incorporated at the Workers' Compensation Board. In fact, those recommendations have not found their way into the board's new rehab strategy in any way, shape or form.

I think it is also important to go back and take a look at what else the minister has said when he has gotten off the fact that the Workers' Compensation Board has not implemented these. On the other hand, he has tried to say, "Well, they do appear in my bill."

In response to the petitions my colleagues and I have been presenting in this House, he said on 4

July, "The bill does respond to the recent task force report on the Workers' Compensation Board vocational rehabilitation services by providing for timely and effective rehabilitation services."

I think it is really important to go back and outline what we heard at the hearings, which refutes the very statement the minister has made regarding rehabilitation and those recommendations. In fact, we were very fortunate to have Bernie Young accompany the committee during the course of almost all those hearings.

Bernie Young is the United Steelworkers of America compensation benefits representative of Local 6500 in Sudbury. He has dealt with compensation matters for years on behalf of the steelworkers. Much to our good fortune, Mr Young was also a member of the Minna-Majesky task force, so he has firsthand knowledge about what the committee heard the problems were and, second, what the committee heard and recognized should be done.

In a very moving account in Sudbury during the course of the hearings, which I regret were not recorded in Hansard, he expressed to committee members the absolute horror and frustration the committee members had felt during their whole process of public hearings regarding rehabilitation.

He recounted how time and time again workers came before them who had gone to the board hoping for rehabilitation and were told they were too old, unco-operative, ill-educated and could not benefit from rehab and on and on, and had ended up thrown on the scrap heap; maybe their pension would be the only type of funding they would ever get from the compensation board.

He told the committee why they had made the recommendations they did, why in fact the task force had recommended an entire change in the structure and in the delivery method of rehabilitation at the board, in the hope of combating the problems the board had gotten into and of ensuring that workers got the type of rehabilitation they required.

It was not just vocational rehabilitation they had in mind, but they fully anticipated that a worker should be entitled to social rehabilitation and medical, economic and a whole host of other measures to put his or her shattered life back together, to be allowed to be a productive member of the workforce again.

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The whole vision that accompanied their report, he said, has not in any way found its way



into this bill or into the new rehabilitation strategy at the board. I think that is really unfortunate, because he was extremely frustrated. As a committee member who had given his heart and soul to putting together a package that would help workers, he was extremely disappointed and disturbed to find that this government, in the end, could not find the courage to put that into this particular bill.

Bernie Young was not the only person who said that the recommendations of Majesky-Minna did not appear in the bill, contrary to what the Minister of Labour has alleged inside and outside of this House. I want to quote some other people who came before the committee hearings and talked about vocational rehabilitation.

In the first case, the Canadian Auto Workers Council of Ontario said this when it came before us: "The committee"—that is, their committee—"is rightfully proud of the fact that they were responsible for many of the initial investigations that brought about the Minna-Majesky report and are very disappointed that for the most part, those all-important recommendations have been ignored." That is from a group who understood the problems; who, on behalf of the CAW workers in Ontario, appeared before Majesky-Minna to talk about its experience and how the system should be changed.

This is from the United Steelworkers of America, District 6. Leo Gerard said this to the committee during the course of public hearings: "The Majesky-Minna report recommends a case management approach to vocational rehabilitation. The task force recommendations in general emphasize respect for individual dignity and quality of life, and the system recommended by the task force would ensure comprehensiveness and continuity of the provision of vocational rehabilitation services. The meritorious recommendations of the task force have not found their way into Bill 162, either in spirit or in substance." That is pretty specific.

Finally, the Labour Council of Metropolitan Toronto had this to say before the committee: "The Ontario government commissioned a lengthy, costly and excellent report on rehabilitation, the Majesky-Minna report. Yet soon thereafter, the same government has introduced legislation on the subject areas studied which ignores the changes advocated in the report. The legislation provides a right to vocational assessment but does not direct the board to provide services to the worker, even if the assessment shows the need for them."

If all of these people who came before the hearings told the committee that in fact the recommendations which they unanimously agreed upon did not find their way into Bill 162, we have to wonder why the minister would tell this House and the public something so dramatically different.

In fact, having read the recommendations and having gone through the bill and being knowledgeable of the rehabilitation strategy at the board, I can say for my part that those groups which came before us were absolutely right; that all of the good things that were reported by Majesky-Minna have not, unfortunately, found their way into this bill.

We wanted to give the benefit of the doubt to the minister, because he had said one thing in this House and groups who came before us said quite another, and so did Wally Majesky, for that matter. I moved in committee that what we should do to get to the bottom of all this way invite Majesky and Minna to come before us so they could outline in detail what their proposed strategy was, why they wanted to change the vision and whether they felt that the recommendations appeared in this bill.

**Mr Wildman:** What did the majority decide?

**Miss Martel:** My colleague the member for Algoma says, "What did the majority decide?" The Liberals on that committee voted against that.

The point I made was that what we wanted to do was to find out whether their recommendations appeared, and if not, why they did not and how we could ensure that they would make their way into this bill, if and before this bill was passed. The Liberal members on that committee voted that recommendation down. Maybe they wanted to protect the Minister of Labour, because it had been all too evident during the course of the hearings that he was saying one thing and the groups coming before us were saying quite another; and so, for that matter, was Wally Majesky.

It is really unfortunate that the members on that committee did not want to hear what Majesky and Minna had to say, because they would have ended up agreeing with me that those very important recommendations are not in this bill and the system of rehabilitation provided by the board will not get any better under this bill. It is my opinion that it is going to get quite a bit worse.

Those are the two issues that the minister has said there has been broad consultation on. In the case of the dual award system, there has never



been any agreement that it should be introduced, and the groups I spoke about have vehemently opposed its introduction. In the second case, that of rehabilitation, all of the groups, including the employers, agreed that a dramatic change had to be made and agreed that these recommendations should find their way into some legislation.

For the minister to say that the bill responds to those types of consultations that have gone on is really completely false, because if the government was responding, it would have never introduced the dual award system and, second, it would have introduced all of the recommendations of Minna-Majesky into this bill. Neither of those things happened.

On the second level I want to deal with concerning consultation, there is a real question about whether there was any direct consultation with the stakeholders about the specific provisions of this bill before it was introduced. During the course of the public hearings it became more and more evident that the minister could not possibly say with any degree of credibility that there had been any consultation, because during the course of the hearings we heard again and again that no groups had been consulted about the provisions of this bill.

I want to backtrack and point out to the House what the Minister said in this House on 17 October when the House resumed last fall and I raised the question concerning public hearings at that point. It was the first day the House had gone back into session. I questioned the minister concerning consultation and the need for public hearings and said this:

"In fact, in August he"—the Minister of Labour—"said he had had 'very extensive discussions with virtually all the participants, all of the stakeholders in the workers' compensation system.'

"We in this House know that is absolutely untrue and that the only people the minister consulted were the employers and the top brass at the Workers' Compensation Board, and that in fact the very people who are going to be most affected by the bill—that is, the workers themselves—had no participation in this bill."

The minister responded in this way and I want to make sure members of this House appreciate this, because it contradicts greatly statements he made afterwards. He said:

"I do not know what I have to do to prove to the member for Sudbury East that I consulted broadly prior to the drafting of the bill. I could, if she likes, send her over my appointment book and show her the number of times and occasions

upon which I have met with representatives of injured workers. Indeed, subsequent to the introduction of the bill, on many occasions during the summer, I met with the injured workers' community and its representatives."

Well, there is a very interesting article that appeared in the Windsor Star on 13 May, concerning this very matter of consultation. The reason it was raised was that during the course of the public hearings, as my colleagues and I asked group after group if they had been consulted and they said no, some of the reporters caught on to the fact that what the minister had said early in October was not quite being backed up by those groups which were coming before the committee.

The article is interesting, because what the reporter did was request from the Ministry of Labour that very list of consultations that took place between himself and the groups interested in compensation before the bill was introduced. It is interesting to see, because the reporter went out then and contacted almost all of the organizations listed. Is it not strange what the result was?

"A list of meetings released by the minister's office says the minister discussed the new legislation with Ontario Federation of Labour President Gord Wilson on May 3, 1988. But Wilson was attending a Canadian Labour Congress convention in Vancouver on that day."

Here is the next one. Also on the list of supposed consultations is "a brief appearance the minister made at a June 1, 1988 protest staged outside the Legislature to highlight the concerns of injured workers." Here is a quote: "'That is not what I would consider consultation,' said Phil Biggin, executive director of the Ontario Union of Injured Workers." Of course, it was Phil who organized that particular demonstration.

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The list, in fact, indicates that the minister had some 27 consultations with labour organizations between 14 November 1987 and 20 January 1989, before and after the bill was introduced.

This is the important point: "Spokesmen for more than half of the groups either deny the meetings occurred or they dispute the subjects of the meetings."

The list had the minister meeting with Wilson again on 27 February 1988. "Wilson claims the focus of that discussion was health and safety legislation and did not have anything to do with Bill 162."



The point I want to make is that what the minister told me in October about his long list of consultations and sending me over his appointment book, when put to the test by a member of the media, was found to be, let's say, not quite as full as he would like it to be. I quote what Phil Biggin, who is the president of the Union of Injured Workers, said: "The provincial government has an entirely different view of consultation than we or the Ontario Federation of Labour have."

But I think the most interesting point is this, going back to the fact that the minister said to me that he consulted broadly: "I do not know what I have to do to prove to the member...I consulted broadly prior." This is what the minister had to say after this list was exposed and after this article appeared in the Windsor Star: "Sorbara vigorously defends his government's record on consultation. 'In some respects it is a definitional problem. What do you mean by consultation? If you are saying, 'Was a draft bill prepared and then a series of consultations taking place to see how labour, how injured workers, how business felt?' then I agree, we did not have that kind of consultation exercise.'"

No kidding. Was that not highlighted during the course of the public hearings, when again and again the groups that came before us were asked, particularly by the member for Hamilton East (Mr Mackenzie), what kind of consultation they had had with the ministry before this bill was introduced. There was no one who could tell us that they had ever consulted with the minister before this bill or the provisions were introduced.

In fact, the CAW said at the hearings on 1 March: "At the same time I want to say that we are disappointed in the fact that we, as labour, did not get any chance whatsoever to have input, either through the Federation of Labour or our own organization, into this bill on changes to the Workers' Compensation Board. We have since had consultations and have been asked to sit on a green paper after the bill has been introduced." Is that not interesting?

There were a number of other concerns raised by groups that came before the hearings, and they talked about consultation. I think the members in this House who are getting irate because I am really exposing what went on should hear what some more people had to say about the lack of consultation on this bill, in spite of what the minister said.

Let's talk about what the Labour Council of Metropolitan Toronto said: "The intended bias of this legislation is obvious from the start. If the

legislation was sincerely intended to meet the needs of injured workers, why is it that their organizations were not consulted in the drafting of these changes?" I think it is fairly evident: because this is not a bill for workers, it is a bill for business, and it is a bill whose sole attempt is to reduce the unfunded liability of the Workers' Compensation Board.

The point I wanted to make, in going through both what the minister had said in comparison to what had been reported in the press—from, I point out, a list it obtained from the minister's office—is that there was absolutely no consultation on this bill. It is quite false to say that the provisions of this bill come from discussions that have gone on and agreement that has been reached on workers' compensation reform over the last number of years. There was no consultation. It is amazing to me that those people who this bill is supposed to protect had absolutely no say on the provisions of it.

One is not going to put a system in place that protects people or put a system in place that people accept when they have absolutely no input into what is going to come about. I point out again to members of this House that it is the first time in the history of reform of workers' compensation in this province that there has not been consultation on the provisions of the bill before it was introduced.

Not only do we have to talk about the Liberal backslide on this issue, but it certainly is important to note that it is the Liberal government now which did not find it decent enough to at least consult with all the parties before it introduced this type of legislation.

The third issue I want to deal with, and which should be reported to this House, is that, contrary to the Minister of Labour's view of the dual award system, we discovered during the course of the hearings and information that came to us that the dual award systems in place in other jurisdictions in this country are not working well. In Saskatchewan, in particular, which is a province that he loudly applauds when he responds to the dual award system in this House, we were given ample evidence that the system is not working well at all.

I go back and chart the history again of why I am outlining this particular provision. When the Minister of Labour introduced this bill into the Legislature in June 1988, he talked about the dual award system and he reported, of course, that it was in place in other jurisdictions and that many jurisdictions were moving to this particular



model of compensating for permanent-partial disability. He said:

"During the past decade Quebec, Saskatchewan, New Brunswick, Newfoundland and the Yukon have put a dual award system into place. Quite simply, it is the fairest system for all concerned and the one that lends itself to most efficient management."

He said in Hansard when he responded to a question of mine on 17 May 1989:

"Let me just remind her"—that is, me—"that in the province of Saskatchewan, a tripartite committee made up of labour, management and government did a thorough review of the system and issued a report that said the dual award system was fundamentally sound. The changes they recommended to their system—and I remind the member that labour, government and management were party to this report—are very similar to the system that is currently being proposed in this province."

That is going to be important, because as I go through what we heard during the course of the hearings you will find out that what is proposed in this province is far less than the protections that are in place in Saskatchewan, and even with the protections that are in place in Saskatchewan the review committee there, which looked at the dual award system in 1982 and 1986, recommended a major overhaul because the board was abusing the power it had under this legislation.

The minister has tried on many occasions to tout the Saskatchewan system, and others like it across Canada, as being one that is sound, efficient and redistributes wealth within the workers' compensation and gives more to those who are undercompensated and takes away from those who are overcompensated. In fact, what we heard during the course of the hearings was profoundly different from what the allegations have been about how efficient or how fair the dual award system is in other jurisdictions.

I want to commend first of all the Union of Injured Workers and some of the Toronto clinics, because when they came before the committee on 23 March at Convocation Hall they brought with them a gentleman who is the president of the Saskatchewan Injured Workers Association. They flew him out here at their own expense because they thought it was vital that the committee should hear at first hand what the experience of workers is in Saskatchewan with this dual award system. I would like to quote a little bit what Mr O'Connor had to say because his views on the system in Saskatchewan are quite different from the views that the committee

had been led to believe or hear before. He said this in his opening remarks:

"The question is, though, why am I here today. My first reaction to this review"—meaning the committee hearings—"was one of surprise. I was not only surprised, but astonished at the thought that the government of Ontario wanted to even talk about introducing a wage-loss system of compensation similar to that which is now in effect in Saskatchewan."

"Our view, and the view of others in Saskatchewan, can be summed up by Terence Ison of York University in his report entitled *National Perspectives on Workers' Compensation Appeals*, in which he states, 'The wage-loss system of compensation only tends to increase the range of controversies and to invite their recurrence, and this cannot be mitigated by any efficiency in administration.'"

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He went on to say this: "In Saskatchewan we had a pension system of compensation until 1980. The pension system, although not perfect, was fair, simple and, above all, understandable to all...." The reality is that the Saskatchewan system is basically what Ontario is trying to import. "We had in Saskatchewan for 30 years a pension system which was simple, understandable and easy to administer, but overnight we were faced with an entirely new system of compensation, that being a wage-loss system."

What were the consequences of this new system on the board, in particular on injured workers? Well, he goes on to chart what the review committee found in 1982 when it first went in and investigated what had happened in Saskatchewan. That review committee made a number of recommendations concerning rehabilitation in the first instance, and second, the dual award system.

The second issue that they dealt with was the question of deeming, and they had grave concerns with deeming because of the experience that had gone on since the bill was introduced in 1979. The review committee, as quoted by Mr O'Connor, said this:

"One of the most difficult tasks which the board faces in the administration of the new act is trying to establish how much of an earnings loss was, indeed, caused by the injury.... In trying to come to grips with this problem, the Legislature established a simple test. The compensation should be based on the difference between what the individual was earning prior to the injury and what the individual is 'estimated to be capable of earning at a suitable occupation.' This section



placed a great deal of responsibility on the board. This power must be handled carefully and responsibly....

"In the course of our hearings, the committee received a number of representatives about this aspect of the act and feels compelled to make some statements about the issue. First, we believe that the idea of a suitable occupation means just that. The occupation should be one in which the worker has a legitimate expectation of being employed. This should mean that the worker has the qualifications and the capabilities to do the job. It should be an occupation for which there is reasonable expectation of employment for workers in general. It should be combined, when used, with a serious effort at rehabilitation."

The Workers' Compensation Review Committee did report in 1982. It submitted its recommendations to the government at that time to try and curb the discretion of the Workers' Compensation Board which was being used against injured workers. Some of those recommendations were acted upon, as Mr O'Connor told us; most were not.

The chairman at that point asked him what he thought the bottom line was, so to speak, on what his experience had been in Saskatchewan. This is what he had to say to us, and I can only go based on what he had to say because the Liberal members in the committee refused to allow us to travel to Saskatchewan and refused to allow us to have representatives come here to talk about their experience. So the evidence we have comes from Mr O'Connor and the Ontario Public Service Employees Union, whose brief I will go through in a few moments.

But Mr O'Connor said this: "The bottom line is that since the wage-loss system has come into effect, the number of appeals has risen from 219 in 1982 to 666 in 1986." I point out that the committee specifically requested whether or not those were appeals due specifically to deeming, and Mr O'Connor replied that yes, they were. They were appeals based strictly on deeming.

"The workers' advocate office has a case load of 200 to 300 per employee, with a waiting period of three to six months. On the first appeal, an injured worker goes there and they tell him: 'Send your appeal in. If you get denied, come back and see us.' Our case load"—that is, he is president of the Saskatchewan Injured Workers Association—"since 1984 has risen to almost 300 a year."

He pointed out another interesting fact. "The actual compensation paid out has gone down

every year since 1983 from \$96 million to \$75 million, but the administration costs have gone up in the same period, from \$11 million in 1983 to \$14 million in 1986. Premiums have risen also.... In 1983, the board spent on administration \$11.99 per \$100 in benefits. In 1987, the board spent \$18.77 on administration per \$100 in benefits."

"What is this telling you?" he said to us. "It is telling you that under a wage-loss system of compensation, the system becomes complicated to administer. It increases the number of appeals. It causes greatest hardship for injured workers and employers. The only one who wins under a wage-loss system of compensation is the compensation board, to the tune of \$345 million."

His closing words to us, I think, were particularly important. He said:

"You have as a review committee a choice. It is a very, very, very important choice. You can implement a system where the only winner is the board and the losers are the injured workers, or you can implement a system of compensation that would reflect the true spirit of compensation, that is, to fairly compensate an injured worker for the injury he has received and give him the opportunity to become a productive member of society with the security of knowing that if he has a problem after his injury, the board is there to assist him in any way it can with intelligence and compassion."

What a far cry from what most of us have in terms of dealing with the present compensation board. I do not think very many of us can say that that is our experience when dealing with them. That was the experience from a man who is an injured worker himself, who dealt with the Workers' Compensation Board before the dual award system was put in place because he was injured before the dual award system was put in place and who now deals on behalf of injured workers in terms of trying to defend them against the board.

I think what is also important to look at, if I may, is what the review committee said. As some members appreciate, the review committee was made up of employers and labour and was chaired by a judge so that in fact it does not have a bias on behalf of the injured worker. Let's see what the review committee had to say when it looked again at the dual award system in 1986, after having made recommendations to the government in 1982 on how to change the system.

They said, and I am quoting from their report which was issued in September 1986:

"There have, however, been numerous complaints about the way in which the legislation is being interpreted and applied.

"69. Subject to section 73, calculation of the loss of earning capacity for the purposes of subsection 68(1) shall be based on the difference between the worker's average weekly earnings ...and the earnings that the worker is estimated to be capable of earning at a suitable occupation after sustaining that injury."

That was the legislation that allowed the board to carry out its deeming practice. In regard to that and in regard to the problem, the review committee noted this:

"The specific complaints of workers regarding the way in which these sections of the act are being interpreted and applied might be summarized as follows:

"1. That workers are being 'deemed' by the board to be capable of engaging in work for which they are not qualified without first being given appropriate training.

"2. That workers are being 'deemed' by the board to be capable of obtaining employment at rates of pay that are unrealistic having regard to the going rates for the jobs in question.

"3. That workers are being deemed by the board to be capable of obtaining jobs in fields of employment in which job opportunities simply do not exist. The position of these workers is that by deeming them capable of earning income which they say they are not, the board is wrongfully reducing or in cases cutting off altogether the income maintenance benefits which the 1979 legislation was supposed to guarantee to them."

That was what the review committee heard during the course of its second review of the dual award system and after having looked at all of the recommendations that were made in 1982 and how the government unfortunately did not follow up on those recommendations. Then, after having looked at it all, the review committee made this recommendation:

"A return to the original intent is needed. The 1979 legislation...in adopting the income maintenance approach, requiring the board to 'estimate the effect of the injury and the loss of earning capacity resulting from the injury, and to ensure compensation to the worker...' spelled out quite clearly the intentions of the Legislature. It was, however, left to the board to undertake the difficult task of determining how it should arrive at the estimate of earnings of loss of capacity"—which is the same case in Bill 162.

They said, "The responsibility of the board is to replace any income loss which occurs as a result of the injury"—not the income they think the worker is capable of earning, but the income that he loses because he or she cannot return to the workforce or they return at a rate of pay reduced from what they originally were entitled to.

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They made these recommendations which I point out to all members of this Legislature do not find their way in any way, shape or form into this bill. That is why I said earlier in this debate that in spite of their problems, the protections in the Saskatchewan legislation are better than anything that appears in Bill 162, and look at the problems they are having.

The recommendations were as follows:

"1. The general approach to deeming should be based on the recognition that it was originally designed to deal with exceptional circumstances. It was designed to provide a system of measuring income loss when the individual's income loss was clearly unrelated to the injury. Therefore, the focus should be on the circumstances in which deeming is legitimate."

Only four circumstances exist in which deeming is legitimate. These, I repeat, appear nowhere in this particular bill. They are as follows:

1. Deeming can occur when "the worker has refused an actual job offer within his or her physical limitations. In this case, the basis for deeming is obvious: the salary of the job which the worker has refused."

2. You can have deeming when "the worker has completed an appropriate rehabilitative training program. In this case, the basis for deeming would be the average starting salary of the position for which he or she was trained," which is a far cry from what is going on at the board right now.

3. Deeming would be allowed in the case where "the worker has refused to take appropriate rehabilitation training. In this case, the basis for deeming would be the average starting salary of the position for which he or she would have been trained."

4. Deeming would be allowed in the case where "the worker has voluntarily retired from the workforce—either through acceptance of early retirement or through staying home for personal and financial reasons. This is the only situation where the exercise of some judgement is necessary, for there may in fact not be an actual



job which can be applied in deeming that individual."

The review committee's final summary was this, and I think the recommendations are important because they are far beyond what we even have in terms of supposed protections in Bill 162. The review committee said:

"The committee believes that this places the responsibility of the board back where it belongs. It is not the responsibility of the board to guess what the worker's earnings would be if only that worker would get a job. It is the board's responsibility to rehabilitate that worker and aid the worker to return to productive employment. Clearly, this new interpretation is based on that goal."

We do not even have the rehabilitation that they talked about because in this particular jurisdiction that will not be mandatory either. So we have far, far less protection than anything envisioned in this bill when in fact the Minister of Labour said, and I want to go back and find his quote, on 17 May 1989, that in fact "the changes that they recommended to their system"—that is the review committee—"are very similar to the system that is currently being proposed in this province."

I say that it is absolutely untrue. We have none of the recommendations that they proposed. The severe limits on deeming to an individual who could not work or that took him out of the workforce, none of that appears in this legislation so that, I repeat to the minister, we are far from the position of saying that the legislation in Saskatchewan or anywhere else is effective.

**Hon Mr Sorbara:** Why don't you get unbiased legal opinion on the statute?

**Mr Charlton:** We got 200 of them.

**Hon Mr Sorbara:** No, but I don't think she's ever had counsel look at the statute.

**Miss Martel:** I hate to tell the Minister of Labour, but the statute, those particular provisions that he wants to talk about, are right in the review paper. I outlined them when I started my debate on this particular section, so maybe he should go back and check Hansard.

**Hon Mr Sorbara:** Get one unbiased legal opinion about the bill; one only.

**Miss Martel:** Well, I must say that it certainly was not me who said on 17 May that what we are introducing here are the recommendations of the review committee, because that is not correct. The recommendations I outlined were very clear. There were four. They do not appear anywhere in

this bill, so what the minister said in fact on 17 May is not correct.

I am sorry that he had to say that, but let it be shown that what appears here and what appears out of the review committee's recommendations do not find their way in any way, shape or form into this bill, and that is the kind of protection he proposes to provide to Ontario workers. It is a disgrace.

Let me go on and take a look at the work that OPSEU did in this particular case. During the course of the hearings the member for Oxford (Mr Tatham) in particular asked repeatedly what the situation was in Saskatchewan and if any of the trade unions that came before the committee knew what their counterparts were experiencing in Saskatchewan.

OPSEU, to its credit, took its whole hearing process in Fort Frances and devoted it exclusively to the question of deeming. They did a great deal of work on this whole question and what we should be doing in Ontario in light of the fact that the system was already in place in Saskatchewan.

They said this: "That act"—that is, the Saskatchewan act—"provides the basic ideas and framework that have been used in Bill 162. That is a lucky break for us in Ontario. It means that we do not have to base our evaluation on Bill 162 on speculation, be it the fears of injured workers or the hopes of government legislators. We can actually base our judgement on some concrete experience."

Let us take a look at what the concrete experience was, as reported by a number of people OPSEU contacted.

First, they contacted their counterparts in Saskatchewan; that is, the Saskatchewan Government Employees' Union. Their union said this in its brief to the 1986 review committee: "We have heard enough horror stories to become convinced that this latitude has allowed the original intentions on which workers' compensation is based to be subverted. Instead of compensation based on earnings lost, we have compensation based on the difference between previous earnings and imputed earnings or the potential earnings or guesstimated earnings. The term deeming," says the SGEU, "has been converted from a sharply limited power, as originally intended, into something much broader."

The SGEU also pointed out: "This use of the board's deeming power subverts occupational and personal rehabilitation after an accident. Since successful rehabilitation can lead to

unrealistic deeming by the Workers' Compensation Board, workers fear that their success in rehabilitating themselves will lead to an economic loss."

That is the Saskatchewan Government Employees' Union. Who else did they talk to? They talked to John Boyd, who is now a researcher with the Saskatchewan Department of Human Resources, Labour and Employment, which is the equivalent of the Ontario Ministry of Labour. In 1986, he happened to be the research officer who was assigned to the review committee's deliberations.

OPSEU says this: "It's Boyd's opinion, in hindsight, that the 1982 review committee should have set out rigid guidelines to define the deeming process. According to Boyd, deeming was originally intended to be used 'very sparingly, less than one case in 10, perhaps less than one in 100...."

"My personal opinion is that it (deeming) is a very easy way to deal with a situation.' The WCB, he says, suffers from a 'certain contradiction in its role.' On the one hand, it's funded by employers and expected to keep costs down. On the other hand, it's supposed to look after the welfare of the workers.

"That's a very difficult situation,' he says. Given that as a background, and the fact that deeming is very convenient, it became a very easy thing to do, and it escalated beyond their control. It became all too convenient, and in hindsight, the 1982 committee should have set out a much more rigid structure.'"

That is two we have heard from. I think the most important comments came from Bob Sass. I should point out to members that Bob Sass was Saskatchewan's Deputy Minister of Labour from 1972 to 1982. He helped develop the current act and the deeming system. He said, "If I had my druthers now, I would not tout the Saskatchewan system as an advance." He thinks that compensation for wage loss alone is itself unfair. Sass thinks the act does not provide proper compensation for individuals whose claims are recognized. He thinks the act does not recognize as many claims as it should. If he were starting again, he would develop an entirely new system from the one now in place in Saskatchewan.

It is an extremely important point to make. A man who would have had as great a power as anyone else, and probably more power to put that particular system into place, is the same man who says if he had to do it all again, he would never put the same system into place. I cannot believe for the life of me that we would import something

like that into this province or allow the present practice of deeming to continue on its merry way, as has been happening since November 1987, when the board changed its policy and when the Minister of Labour refused to do anything about it.

It is unfortunate that the Liberal members on the committee did not want to hear what anyone else had to say about Saskatchewan. Not only did they vote down our recommendation, during the course of the committee hearings on 23 March, to visit those jurisdictions where there was a dual award system so we could determine if the systems were proper or not, but during the course of clause-by-clause, the Liberal members on the committee even went as far as to vote down my motion that we should invite representatives from Saskatchewan to come here so that we could find out exactly what the experience was, if they suggested it should be put into place in this province or not. The Liberal members again, during the course of the clause-by-clause, voted that down as well.

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I should not have been surprised, because we might have found out the truth and that would have been a little bit difficult for the Liberal backbenchers to bear, I am quite certain. It would have been a little bit difficult for the Minister of Labour to bear as well.

It is amazing to me that in fact the only thing we heard on this bill came from those people who came from Saskatchewan, at great expense to the injured workers' movement in this province, to point out what their experience had been. I would have been more than willing as a committee member to hear from a number of other people—employers, the ministry of labour in Saskatchewan included—as to what should be done or if the system should indeed be implemented here.

It is really unfortunate that the Liberal members on this committee chose not to do that, because I think all of us probably could have benefited far greater than by listening to some of the allegations we have heard in this House about how effective this particular bill is. It is unfortunate that we got into this position, but I point out again that what we heard during the course of the hearings convinced me, for one, that the system was not working well and that we were moving in the absolutely wrong direction if we were going to bring into this province a system that was obviously not working elsewhere.



However, it is too bad that the Liberal members on the committee did not want to hear what more people had to say about this system. We could have been enlightened even further, I am sure.

Interjections.

**Miss Martel:** I have a long way to go yet.

**The Acting Speaker (Mr Morin):** Order, please. The member for Sudbury East has the floor.

**Mr Harris:** On a point of order, Mr Speaker: I find the comments from the member for Sudbury East very interesting. In fact, I am enjoying them immensely. However, it strikes me that it is now about 7:52 pm, and I think there would be far more members and indeed members of the public interested in her remarks. Most members of the public do not think the House normally sits past six of the clock and I think they will be very disappointed should they wake up tomorrow and tune in and find out that they have missed the remarks.

Given the time, it now being about 7:53 pm, I would seek unanimous consent of the House to adjourn for the evening and then carry on with this debate tomorrow afternoon, as would be a logical order of the House to do, and I think it would be very accommodating to members of the public.

**Mr Reycraft:** On the point of order: The House leader for the third party made a similar request at about six o'clock. The government House leader responded to him at that time. He indicated it was our pleasure that this debate should be concluded. We would like very much to have it concluded so that we could move on with the remainder of routine proceedings, so we are not prepared to give our consent to the request.

**The Acting Speaker:** If there is no consent, I will then ask the member for Sudbury East to continue, please.

**Miss Martel:** I thank the member for Nipissing for giving me that break. I should inform members of this House who may be interested in participating in this debate that I have at least another hour to go maybe another hour and a half, so they should sit down and get comfortable, and get ready for it.

**Mr D. S. Cooke:** Open your minds. You might learn something about workers' comp.

**Miss Martel:** That is right.

**Mr Pouliot:** From the most knowledgeable person about this bill.

**Miss Martel:** I know.

The next issue I want to deal with that should be reported to the public, and this is a particularly important one, is this fact: It should be reported that the public hearings on this bill were a big farce, an absolute farce, because in point of fact the Ministry of Labour and this government had absolutely no intention of listening to what the public said anyway, even if there were public hearings.

If I go back and look at all those groups that came before the hearings, that spent a great of time and spent a great deal of money and effort, for all of those groups that came before the committee and pointed out their concerns and why they were concerned, this whole process was really a slap in the face to all of their hard work.

I want to say that in my opinion, after having gone through the whole process, and I certainly did from beginning to end, the public hearings themselves were no more than a public relations exercise on the part of this government so that it could say in the end: "We had public hearings. People came. They talked. We did not agree with what they had to say, so we did not change our bill." In fact, the government had no intention right from the word go of changing any of this process or changing the bill very much at all.

In the history of relating all of this, I want to go back to a comment that my colleague the member for Algoma (Mr Wildman) raised early on during the course of the debate, which got a bit of a rise out of the Minister of Labour, who is here in this House. The member for Algoma said at that time it was his opinion that in fact the government did not want public hearings on this bill in any event.

I want to quote what the minister himself said to the Globe and Mail on 17 October 1988.

Interjection

**The Acting Speaker:** Order, please. If the member for York Centre (Mr Sorbara) will take his seat and then make his comments, I will accept them. Otherwise, I would ask you to remain quiet.

**Miss Martel:** In fact, in the Globe and Mail on 17 October when he talked to the press about this bill, the minister said: "I want a system that is truly user friendly," he said in an interview last week, adding that he hopes the amendments will be passed by the end of the year."

Anyone who understands anything about this political process in here will understand very quickly that if the bill comes back in October to go through second reading and committee and hopefully be passed by December, there is no

way there can be any public hearings at all anywhere in the province, not even here in Metro.

I must say that really, right from the beginning, the government—

**Hon Mr Sorbara:** That was a firm commitment against public hearings; that is one of the strongest points.

**The Acting Speaker:** Order, please.

**Hon Mr Sorbara:** I'm in my chair, Mr Speaker.

**The Acting Speaker:** The member for York Centre, please.

**Miss Martel:** I know it hurts, but let's get it all out here.

The bottom line is that I have said the public hearings were an exercise in public relations and that the government, and this minister in particular, did not want public hearings. That is evident by the fact he wanted to have this bill through in December 1988. The people who sit in here know full well that public hearings could never have fit into the time frame envisioned by the minister to have this bill passed by December 1988.

What happened to persuade this government and this minister that there should be some public hearings? I think that in fact this workers' demonstration that occurred out here on 19 October had a very definite impact on the minister and this government and I think finally swayed the government to the conclusion that there should be some public hearings.

If members go back and read the Hansards from those three days, they will quite quickly figure out that on those three days I raised in question period with the minister the need for public hearings, because there had not been any consultation on the bill. Three days in a row I raised that question with him, and every single day there was no guarantee that there would be public hearings.

I point out to members that it was not until injured workers stormed this building and demonstrated and came up to the chamber doors that very quietly, as a matter of fact the next day, the government House leader announced to my House leader that there would be some public hearings. Imagine. I tell members that were it not for the demonstration on that day by people who have a legitimate right to expect some input into workers' compensation changes, had it not been for their demonstration, there would not have been public hearings on this bill.

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Interjections.

**The Acting Speaker:** Order, please.

**Miss Martel:** Let me go back and enlighten all the members about the scheduling of the procedure of the hearings, because I think for those of us who were there during the long haul of the public hearings it is interesting to see what the government did in this regard.

Very early on, we were advised by the government House leader that we had a set amount of time to deal with this bill because he anticipated an early return of the Legislature, early in April. As a group, we sat down and determined that we had some six weeks of public hearings and that we would try to get to as many communities as we could during the course of those six weeks to meet with all those concerned with the legislation.

The notices went out and I think it is safe to say that no member of this committee from any of the parties anticipated the kind of response we got. In fact, on the final day on which you had to submit names to appear before the committee, we had some 612 groups that wanted to appear. It was far beyond the expectations of any of us and I think I speak frankly and honestly on behalf of all groups.

On the day the public hearings started, we were told by the clerk of the committee that we had 612 groups that wanted to appear but only some 300, maybe 340 if we really squeezed them all in, groups and individuals, could actually appear. That was the kind of wait list we had on 13 March, the day we started public hearings: In Hamilton, for example, 64 people who wanted to appear; Oshawa, 22; Toronto, 158; Thunder Bay, 26; Dryden, 10; Fort Frances, 12; Timmins, 27; Sudbury, 80; Ottawa, 53; Windsor, 68; London, 43, and Kitchener, 49, a total of 612 in before the late request date.

As soon as I discovered we had far more people who wanted to appear and express their view than could actually be accommodated, I moved in the committee that we should extend the public hearings so that all those people who wanted to come and have a say about this very important piece of legislation would have the opportunity to do that.

For the benefit of the members who are in the House, I am going to go through how many motions we moved during the course of those public hearings to try to convince the Liberal members that injured workers were as important as doctors and that just as on Bill 94 with all of the doctors who wanted to speak, in this case all of



the injured workers should have a chance to speak as well.

On Wednesday 15 February, I moved that the committee direct the clerk to reschedule the public hearings in order that all groups who wished to be heard would be accommodated and every consideration would be given to holding these hearings when the House was in session. After debate, the question being put on the motion, it was lost. Of course it was lost. There were six Liberal members on that committee who voted against it.

On Thursday 16 February, the member for Mississauga South (Mrs Marland) then moved that the witnesses be rescheduled to come before the committee at a time when the House was not sitting. After debate, the question was lost.

The member for St Catharines-Brock (Mr Dietsch) then moved that we try to reschedule some of the groups to come from Hamilton and Oshawa. That debate was carried. Of course, there were six Liberal members, so they voted in favour of the motion by the member for St Catharines-Brock.

On the same motion, I moved that we should reschedule the public hearings in order that all groups who wished to be heard be accommodated and that motion of course was defeated by the Liberals.

**Mr Chiarelli:** And you were surprised with the results.

**Miss Martel:** No, I was not surprised. I always knew members opposite were not in favour of the workers of this province. I am surprised how they would accommodate the doctors, but not the workers. That says it all.

Then we started Wednesday 1 March and my colleague the member for Hamilton East (Mr Mackenzie) moved a motion in response to a statement the Minister of Labour had made in Hamilton on the Friday. When he was accosted by a large number of injured workers that day, the Minister of Labour suggested he was not ringleading the committee and was not in charge of what went on, so if they wanted public hearings they should request that of the committee again.

The member for that particular riding came and moved a motion that the Hamilton hearings be extended to accommodate all the people on the wait list. After debate, the question being put on the motion, it was lost. Of course we got voted down again by the Liberal members on that committee.

Interjections.

**Miss Martel:** I was going to stop, but let me do some more. Here, on Thursday 2 March, the member for St Catharines-Brock moved that the standing committee on resources development reschedule public hearings on Monday 20 March and that entire week so we could hear more people that night. I moved, as a friendly amendment to that amendment, that the committee direct the clerk to reschedule public hearings so that all groups and individuals not accommodated would be heard when the House was not in session; that is, during the summer of 1989. Lo and behold, the question, my friendly amendment, moved on the amendment of the member for St Catharines-Brock, was lost.

**The Acting Speaker (Mr Morin):** Order. I would remind the member to address her remarks to the chair.

**Mr R. F. Johnston:** Why? Were you listening?

**The Acting Speaker:** Yes, attentively.

**Miss Martel:** However, on that same day the member for St Catharines-Brock, in conjunction with his cohorts in crime on the committee, moved that we should extend the hearings, but only in Toronto, during that week. Was that not a big farce? Here we are moving desperately to extend the hearings so that all groups can be heard and the member for St Catharines-Brock comes in and moves an amendment that will allow only some more people in Metropolitan Toronto to be heard. What a slap in the face to all those good people around the province who are on waiting lists, have every right to be heard and should have been heard.

Why would we accommodate only Metro groups when in fact large numbers of individuals and organizations around the province had every legitimate right to be heard and wanted to be heard? But the member for St Catharines-Brock was interested only in looking after some people in Metro Toronto, so those people were allowed to participate but the rest of the province certainly was not.

On Monday 6 March I moved that all groups who were still on the waiting list in Metro Toronto—these are the groups the member for St Catharines-Brock was concerned with—even after extending the hearings with the member for St Catharines-Brock's motion, should be heard during the summer. That motion was voted down; this was after the fact that on the day before the member himself had moved that more groups in Metro should be heard. I moved that they should all be heard and the Liberal members

on that committee voted it down. This whole process was an absolute joke anyway.

In any event, let me go to Thursday 9 March. We were in Ottawa, and at that point my colleague the member for Algoma (Mr Wildman) moved that the committee's scheduled hearings on Bill 162 be changed and extended to ensure that all groups and individuals from Ottawa and other parts of eastern Ontario be given the opportunity to be heard. That was voted down.

On Tuesday 21 March I moved again that we direct the clerk to reschedule hearings in the spring of 1989 so that all groups could be heard and that we, as a committee, would pay for them to come to Toronto so we would be given the benefit of their experience and their wisdom. Of course the Liberal members voted that down.

On 23 March my colleague the member for Algoma moved that because there was such a discrepancy between what the minister had said about dual award systems in some jurisdictions and what groups coming before us had said, we should travel to those jurisdictions and find out exactly what the heck was going on before trying to implement a similar system here. Of course the Liberal members voted that down. They did not even bother to debate this motion.

On Tuesday 28 March we were in Windsor. My colleague the member for Hamilton East moved that we return to Windsor to hear the remainder of the groups on the waiting list. That was voted down. The next day in London the member for Hamilton East moved the same thing and that, of course, was voted down.

On that day outside of the extension of public hearings, because of the large number of deeming cases we had received to that date, I moved that we should collect all the deeming cases, send them to the board and have the chairman of the board himself explain this terrible process of deeming. The Liberal members, of course, voted that down as well.

On Tuesday 11 April in Thunder Bay, the member for Rainy River (Mr Hampton) moved that the committee direct the clerk to reschedule the hearings in Thunder Bay when the House was not in session, so that groups on the waiting list could be heard. That was voted down.

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It went on and on. The interesting thing to note was that where in the case of Bill 94, the bill to ban extra-billing by doctors, the Liberals could rearrange a schedule that had already been set in order to accommodate all the doctors, the same Liberals could not give the same type of treatment to injured workers in this province.

That says something about on whose side this government falls. It certainly is not injured workers in this province. I think if I were Liberal, I would be absolutely ashamed and embarrassed that what was good enough for the doctors in 1986 was not good enough for injured workers in 1988-89. That says a lot about this government and who its friends are.

**Mr Chiarelli:** Maybe we should ban extra compensation too. Doctors are our friends.

**Miss Martel:** Yes, I have no doubt about it. I would like to see their political contributions to the member's party too, after seeing the hospital donations.

Let me deal with another issue that points out as well what kind of farce the public hearings really were. I have pointed out the fact that the government did not want public hearings and that when we tried to extend the public hearings to all the groups, the Liberal members voted that down. Let me give members the third example.

At the same time as the public hearings were going on, the same time that this committee was out on the road getting information from groups, the Minister of Labour in the same breath was going around the province saying that regardless of the outcome of the public hearings, the principles that appeared in Bill 162 would be retained, in spite of anything that was said during the course of public hearings.

**Mr Chiarelli:** The House voted for that on second reading, didn't it?

**Miss Martel:** That does not make it right, does it? Obviously when the majority of groups that came before us said the bill was bad, there is something wrong with the member's position on this.

Let me go back and point out what the minister was saying at the same time as the committee was travelling around trying to gain input from those particular groups on this question. He was on Labour News on 19 February, a week after the public hearings started. He was doing an interview with Fortunato Rao. Fortunato said this:

"What happens if—okay, I am going back to these hearings which the commission"—that was our committee—"will have in Ontario, about if the commission will receive not favourable recommendation on that. Are you prepared to scrap the bill if the most of them they are opposing the bill?"

This is the response the minister gave:

"No. And you know full well that is not how the parliamentary system works. That is, when a bill goes to committee, if the majority of the



submissions are in favour of scrapping the bill the government just doesn't scrap the bill. But what the purpose of the committee hearings are is to give the public an opportunity to comment on the bill. We will be listening very carefully to ensure that we can do the appropriate amendments to the bill to make sure we've got it right. In other words, the basic principles in the bill have already been approved by the government. That is, we will have a dual award system which is designed to be fair and responsive to the individual circumstances of workers. The second thing is to put a statutory obligation on the board to provide timely vocational rehabilitation."

Of course that is not true, but in any event, it is not the first time he has said that. So these two principles will remain. It was no wonder that groups who came before the committee hearings were so cynical about the entire process. Members who were involved on that committee can recall that on more than one occasion, the group that was presenting before us asked whether it was worth their while to be there at all and whether or not this was just a big farce and the government was not going to listen anyway.

I will just give one example that was captured in Hansard. This was a presentation made by Mr Halladay, who was representing the United Steelworkers of America Local 2514 in Mississauga. Mr Halladay was responding to a question put by the member for Algoma, who asked him, "Was it your understanding of the purpose of this committee's hearing that if you could come before the committee and make a reasonable presentation on behalf of your membership that members of this committee would move to stop this legislation?"

Mr Halladay said:

"I am a firm believer in this: With any issue, I suggest that if enough people are concerned about it, rather than attempts being made to reconstruct the bill or, to use a loose phrase, tinker with it, and try to fix it in some way, it might very well be withdrawn. I would hope it would be. I am afraid, I have to admit, that probably only two weeks ago I saw a video of Mr Sorbara being interviewed by one of our retired staff reps." That is Fortunato Rao.

"Mr Sorbara was saying plain and simple, 'This bill is in place, gentlemen. It's there and it's going to stay there.' That type of thing disturbs me, because here I am looking at the possibility of coming to a committee and explaining my concerns, and I hear the minister say: 'You can explain or be as concerned as you like, but the bill is in fact in place and it will be

implemented. It will receive royal assent.' It is very discouraging to hear those kinds of comments from our Minister of Labour."

That said it all. There were a number of other groups which, in coming before the committee, outlined the same concerns. Many of them had seen the minister on the same show and were wondering what the heck they were doing having public hearings at all or why they had spent any time at all coming to the committee and outlining their opposition.

It was interesting, though, that to some of those groups that came and said that and pointed out their cynicism, there was a direct response by two of the Liberals in particular, the member for Halton Centre (Mrs Sullivan) and the member for St Catharines-Brock, who were trying to say no, they were there with an open mind and they were willing to listen to what the groups had to say.

It was interesting when the Welland group came before us in Hamilton, at the same time the member for St Catharines-Brock was trying to say that he was there with an open mind, it produced his newsletter, which of course went on at great length outlining how wonderful the bill was and how well it was going to help workers in the future.

I think those groups that came before us and were really cynical about the process and their participation in the process had every right to feel that way and to express those sentiments.

I think that if the government and members of this House were to be quite honest about it, they would find that if they had really wanted to listen, and if indeed they had listened to the overwhelming majority, then this bill would have been withdrawn when the committee returned. We would not be in the middle of clause-by-clause. We would not be in the middle of what is going to be, I think, an impending closure motion on this bill. In fact, we would have had that bill withdrawn and a real process of true consultation begun to try to reform the system in the manner that it should be. This bill, in no way, shape or form, comes even close to doing that.

The next item that should be reported to the public as a consequence of this whole process really concerns the contention that has been made by this minister that those people who oppose the bill do so because they have not read it. He has said that on a number of occasions, and he has tried to allege as well that if they had read it, then their opposition stemmed only from their political partisan purposes and their attempt to manipulate injured workers for their own gain.



I wanted to set up the history of this particular statement as well and go back to what the minister said the day the House opened, 17 October 1988. In the same *Globe and Mail* article, when he was questioned about Bill 162, its impact and some of the opposition that was starting to form around the bill, it said this: "Mr Sorbara, however, said much of the campaign against the bill is created by the opposition parties, 'who have traditionally manipulated the concerns of injured workers.'"

Second, in trying to impute motives on our part, that we were using this issue only for political, partisan purposes, he also suggested to me that my opposition stemmed from not having read the bill.

On the same day, 17 October, I raised the question in the Legislature about public hearings, and this was the minister's response, talking about injured workers' groups:

"They said to me over and over again, 'We want a system that more fairly provides for those of us who have permanent injuries, and we want a system that makes a better commitment to rehabilitation, and we want a system that helps us get our jobs back. Besides that, we want a system that provides realistic ceilings on the kinds of earnings that we were making prior to our injuries.' That is precisely what this bill does. That is precisely the impact of Bill 162, and if my friend the member from Sudbury East would simply take a careful look at the bill, I think she would have to acknowledge that in the House as well."

That is fine. I expect that as part of the political process here. But I will tell members what I do not accept. This is a statement the minister made on 28 February 1989. He was making his remarks to a group of employers at the Corpus conference on workers' compensation here in Toronto. Let me just read into the record what the minister had to say about those people who were opposing the bill.

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"So why are some people so angry about it? I think there are three reasons.

"First are those who have become so angry at the system as it now exists. In the past few years we have seen the establishment of three organizations of employers with concerns about workers' compensation policies and costs. We have also seen the establishment of several union-of-injured-workers' organizations. It seems that every time we go near the system to fix it, this anger overflows in a reflex action.

"Second, some of those who are most angry are victims of unfairness in the current system who don't feel enough is being done to address their specific needs.

"Third, some people are angry, or at least are showing anger, for reasons that have nothing to do with whether or not the new system is better than the current one. Some think that the only solution to problems with workers' compensation in this province lies in vast increases in spending. They are misfortune tellers and that is all they see in their crystal balls. These people can be expected to remain angry and try and use their anger against this bill as long as the government remains firm in its commitment to implement reforms without increasing costs unnecessarily, without spending money that isn't there and isn't required.

"Ladies and gentlemen, most people have no direct knowledge of the workers' compensation system and no way to assess the accuracy of claims or allegations about it, and so their views on workers' compensation policy are open to manipulation by partisan advocates. But there is important general public interest in workers' compensation and this policy must be well explained to the general public."

Let me go back and make some comments about the statements I have just gone through.

As I said earlier, I expect that kind of thing in this place. I am an elected member, as are all the rest of the members who are here today, and we accept some of that as the negative aspects of the job we do and the debate that goes on in this particular House. I remain confident, however, having worked at the Workers' Compensation Board and now being in the position of being an MPP who represents workers at all levels of the appeal process, that I do understand about this bill.

I understand this bill, I understand the amendments and I understand perfectly well how it will be implemented at the board. I did not work there for nothing, and I did not come to learn a great deal about that system for no reason at all. I think that gives me an experience that no other member in this House has. Certainly no other member in this House could accuse me then of not understanding the bill and saying that my opposition stems solely from my ignorance about it, because that is not correct.

Second, the Canadian Auto Workers, which of course does a tremendous amount of work on behalf of injured workers, had a rep, Jim Crocker, who travelled with the committee during the whole course of the public hearings to



answer questions and to help represent the workers and the unions that were coming before him. Let me just point out what the CAW council said when it heard about these remarks that the minister had made at Corpus. This is what Bob Nickerson said to the committee:

"I want to make reference to the fact that some statements were made yesterday by the Minister of Labour which I have to raise today, because it was somewhat disturbing to us especially, I would say to the committee, since they heard the remarks of the previous presentation in which Mr Sorbara was saying he thought much of the opposition anger to this bill, which is long-standing, was directed at the workers' compensation system as it now exists.

"I just want to make sure we understand that from the perspective of the Canadian Auto Workers it is not in that direction. It is directed at the bill itself and the problems we see with the bill. I think that it is obvious in the presentation that was made previously, and we will also deal with some of these areas."

That was from the CAW, which spends enormous amounts of time and money not only representing workers but in fact training reps so that they can represent other brothers who are hurt on the job.

**Mr Dietsch:** Tell them how many times he made the recommendations before the committee. He only presented it 12 times, didn't he?

**Miss Martel:** It seems to me he had more things to say than the member ever did. He had a lot to learn from them.

Maybe I should just point out for the benefit of all the rest of the members in here, not only did the CAW see fit to send representatives to come to the hearings in order to advise the Liberal government members, who did not know a thing about this bill or about what it really entailed, but the United Steelworkers of America sent Bernie Young, the Canadian Union of Postal Employees sent Jack White and the Ontario Public Service Employees Union sent Lillian Stevens and Don Smith.

All those people were a tremendous asset to the committee because they, unlike some members on that committee, actually do workers' compensation and actually understand what this bill is all about. That was the experience they brought to the committee, which in my opinion was invaluable and which some people had a lot to learn from.

In any event, let me go back to the comments made by the minister at Corpus, because not only was the trade union movement extremely angry

about the statements that had been made, but when the injured workers' groups came before us at Convocation Hall in Toronto, I specifically asked the representatives who were there what they had to say.

I want to point out some of the experiences these people have had, who responded and who the minister said were partisan advocates or did not understand the bill. Phil Biggin has been involved in the Union of Injured Workers since its establishment in 1974. He knows a little about injured workers. He has been involved in the fight to reform the system since that time. Let me tell the members what Mr Biggin said in response to what the minister had to say about him not understanding this bill:

"I think the minister needs to go through some re-education on this whole issue. The basic problem is a real one, as you all know. This is really an arrogant statement to come from a minister of the government, particularly when he knows that in his own constituency office there are severe problems that cannot be met. People are angry because of the present system, because it is very unjust, but the so-called reform or the future system that he is proposing does not address those issues that people are so angry about and in fact will exacerbate them, make them worse. It is going to make them much worse.

"It is absolutely absurd, as you have said,"—referring to me—"to say that the representatives are manipulating the injured workers, because we do not have to manipulate anyone. You just have to sit in an office and listen to case after case come into whatever office you are working through and you can see the injustices of the system. Again, I am going to repeat this and I hope you are listening: Any of you who have active constituency offices have to see these cases. I know some of you do see these cases."

Here is an even more powerful response to the minister's statement at Corpus, from Marion Endicott. Marion Endicott is a workers' advocate. She has worked in the clinic system for most of her life. There is no one, in my opinion, who understands more about compensation than Ms Endicott. Let me point out to members and read into the record what Ms Endicott had to say in response to the minister's statement at Corpus:

"I would like to thank you"—referring to me—"for the opportunity to respond to this. The speech"—by the minister—"did serve one good purpose. It made me so angry that if ever I ran out of steam when preparing this brief, I would just have to read it and it would reinvigorate me,

because it reminded me how little Mr Sorbara knows about the workers' compensation system.

"The most noticeable thing about it is that he makes this comment about people not knowing about the system and therefore being manipulated. I simply put it to you that injured workers are the ones with intimate knowledge of the workers' compensation system, and their advocates have an intimate knowledge.

"Who does not know about the workers' compensation system? It is Mr Sorbara. We have talked to Liberal members, quite frankly—I will not name names—who admit that Mr Sorbara does not know a damn thing about the Workers' Compensation Board and does not understand about the power. Who is being manipulated? I would put it to you that it is Mr Sorbara who is being manipulated in this process through his ignorance about the Workers' Compensation Board, not injured workers, if that is what is being suggested here. He does not name whom he is talking about, but that certainly seems to be the presumption.

"It certainly does make you mad, because injured workers have very just demands. To suggest that people who are concerned about their problems are people with some kind of agenda and who are manipulators simply casts an unnecessary shade of vindictiveness on this whole debate that we simply do not need. We have restrained ourselves from responding to this because we felt, 'Why get into a fight over this kind of thing?' But with the opportunity to comment on it, I am certainly glad to do it."

And that is from some of the people who really know a hell of a lot more about compensation than I know or anyone in this House knows. To suggest to them that their opposition stems from their ignorance because they do not understand the bill, or because they are only interested in manipulating injured workers for their own partisan politics, is completely unjust and unfair. It was a terrible statement for the minister to make. He should have withdrawn it. I do not even know what provoked him to do it.

In any event, I wanted to get on record those particular comments, because I think those people who know more about compensation and who deal with it every day should have a chance to respond. They certainly did not have a chance to respond at Corpus, so we gave them that opportunity during the course of the public hearings.

As I said before, I do not really care, because for my part I expect that in this place. But I certainly do care when some of the finest people I

have ever worked with on this bill and who know compensation so well are slighted in that way, and that is certainly what the remarks at Corpus did to those people.

**2030**

**Hon Mr Sorbara:** The slings and arrows of outrageous fortune.

**Miss Martel:** The minister may not like to hear the truth, but that is really too bad.

**Hon Mr Sorbara:** I'm just wondering when you're going to get beyond the insults to the substance.

**Miss Martel:** I am just repeating what the minister said about this bill. If the minister does not like it, that is too bad.

**Mr Pouliot:** It is all substance. It is all documented. This is a work of art. You are talking to an expert working in her craft. Recognize talent. You should worship the ground she walks on.

**The Acting Speaker:** Order.

**Mr Pouliot:** On a point of order, Mr Speaker: Under standing order 24(b), I was appalled and shocked, actually, that the embarrassment of the Minister of Labour (Mr Sorbara) seems to bring out the worst in him. He has made a habit of not only not listening to the words of wisdom that are so well documented and substantiated by the member for Sudbury East, but on repeated occasions has become an agent provocateur. I think we all have a lot to learn from the member, who knows more about this bill than anyone else in this house, including the minister for the workplace.

**The Acting Speaker:** Thank you for your comment.

**Miss Martel:** I thank my colleagues for their support.

I want to deal now with what should be reported as well. I want to go back and take a look at the amendments to the amendments to the amendments which were introduced in committee on 25 May by this minister. What I want to do, very clearly for all members of this House and indeed for the public who may be watching, is reiterate why we are so adamantly opposed to this bill and what we think is wrong with it and why we believe that the latest round of amendments that were introduced by the minister do in no way, shape or form respond to our concerns, or indeed to the major concerns that were raised by many of the groups, in fact the overwhelming number of groups, during the course of public hearings.



What I am trying to point out again is that in spite of the amendments, in spite of the whole hearing process, what the minister did in response was merely to try to tinker with the bill again, in a manner that all those groups that came before us said could not be done. In fact, it was their opinion that the bill was so badly flawed that it had to be withdrawn.

They and we, in reviewing the amendments to the amendments to the amendments that had been introduced by the minister in May, agree again that our opposition to Bill 162 is not undermined in any way, shape or form, because the amendments do absolutely nothing, in my opinion, to change the overwhelming concerns we have and that those groups have to this legislation and the consequences of it.

Right now I want to go through the key areas of the bill we have some dramatic concern with, and I want to point out to members what the groups that came before the committee said in response to those concerns and how we feel these concerns have not been addressed by the Minister of Labour.

Let me deal first with the question of reinstatement. The reinstatement provision was to allow workers who were hurt to be able to return to their accident employer after they had achieved medical rehabilitation if that occurred before the two-year obligation was ended.

I go back to look at reinstatement and discover that those many exemptions which the groups that came before us complained about, those many exemptions of workers from this particular provision, have not been changed by the minister, except that construction workers have come out of the bill, gone into the bill and gone out again and now will be considered somewhere in regulations at some point in time. For all intents and purposes, when this bill is passed they will still not be covered. They will have to be dealt with at a future date, after whatever time and whatever kind of discussion occurs with those particular groups.

The fact remains that the groups which are excluded from this particular section include all of those workers who have not been continuously employed for one year with their employer when they are hurt; it includes all those employees in the province who work in places of less than 20 employees, and that is about 25 per cent of the private workforce in Ontario; all those people who are hurt now, if and when this bill goes into effect; and all of the classes that will be exempt in the future at the hands of the wonderful

compensation board, which already has far too much discretionary power.

I want, in particular, in responding to the problems we see in reinstatement, to go back and look at the brief that was presented to us by the Ontario Human Rights Commission. In spite of all of the things that have gone on at the commission in terms of Raj Anand, it did present a very good brief to us which outlined the differences between Bill 162 and its code and how much better the code was in terms of protection.

Let me go through what they had to say, first in terms of the exemptions. This is what the Ontario Human Rights Commission had to say: "A particularly important point to note is that the code obligations to accommodate disabled workers apply to all employment relationships and all disabled workers. In contrast to the general coverage of the code, however, Bill 162 reinstatement obligations are of limited application. The following groups are specifically excluded:..."

I have already gone through those groups that have been excluded. The only provision made in the most recent amendments was that somehow or other at some point or other in the future, there will be some mechanism to include construction workers. Why they were excluded in the first place is beyond me. Both the employers and the construction trade unions who came before us could not understand why they had been excluded in the first place either.

Look at the question of penalties, because there is a specific penalty or there should be a specific penalty. Under the Human Rights Code, what happens to a worker who is aggrieved and found to be aggrieved because he has not been reinstated? An aggrieved worker may obtain not only an order for reinstatement with back pay and benefits, but also an award of damages including damages resulting from mental anguish. In contrast, Bill 162 provides only for a discretionary penalty for employers who do not comply with the reinstatement obligation, to a maximum of one year's temporary total benefits. Indeed, given the very real possibility that many employers will simply prefer to pay the penalty, it is questionable as to whether the bill is creating a real reinstatement obligation at all.

Third, in terms of the time limitations under Bill 162, the obligation of the employer ends after two years. If a worker suffers a serious injury and cannot return within that time, his rights expire under this particular section. The commission said this: "The availability of a



broad range of remedies under the code is not constrained by the narrow time limitations imposed by Bill 162, whereby the employer's obligation to reinstate an injured worker expires at the earliest of either two years after the date of injury or one year after the date the worker is available for employment. Under the code, the only time limit faced by potential complainants is that of a procedural nature that starts running only when, for example, the employer refuses reinstatement, and then expires after six months."

In other words, nothing hinges on the date of injury, the length of employment, the age and so forth.

None of these problems, I point out to members in this House, are responded to in the amendments that were introduced by the minister on 25 May. There are some very crucial questions that have not been resolved, given that the code will take primacy over Bill 162 as it takes precedence over every other piece of legislation in this province. We tried to point out on many occasions that if some of these things that appear in Bill 162 were passed, there were going to be challenges and under the code those workers were going to win.

How do we balance what the obvious deficiencies are in this bill with the far greater protections provided in the code? We have asked that question. We have asked that legal counsel for either the Ministry of Labour or the Ministry of the Attorney General come before us and outline their position on this bill. Again, the Liberal members on the committee voted that particular issue down.

We are left with the situation that shows a summary of what the human rights commission said in this regard: "In our view, unless the issue of jurisdictional overlap is addressed and resolved now, prior to the passage of this legislation, the result will be jurisdictional and administrative confusion between the roles of the commission and the Workers' Compensation Board, frustration on the part of both injured workers and employers, and ultimately an ineffective public policy response to the urgent need to promote the reintegration of injured workers into the workplace."

## 2040

That is what the human rights commission said when it came before us. It is a very interesting brief; it outlined a number of the discrepancies between the code and Bill 162. But I point out again that their major concern in terms of the jurisdictional overlap has yet to be resolved.

Indeed, there are going to be all kinds of confusion if and when this bill is passed.

Our overwhelming opposition includes all of the above, but I think it must rest ultimately with the fact that there are still large numbers of workers in this province who will have no basic minimum protection under this bill with regard to reinstatement.

I just point out some of the comments that were made by people who came before the public hearings when talking about the question of reinstatement. The Ontario Professional Fire Fighters Association said this: "I believe that we are being naïve if we suspect that lobbying for exemptions would not take place. One rule for everyone should be the only rule."

District 6, United Steelworkers of America said this: "The exceptions in qualifications to the employer's obligation to reinstate workers in receipt of benefits and the weak penalty clauses for noncompliance with the reinstatement provisions render these provisions completely meaningless. If the act cannot provide a meaningful reinstatement obligation, then the whole matter of reinstatement is better left to the Human Rights Code, which sets forth a broader, stronger obligation."

Finally, the Law Union of Ontario said this: "Availability of Human Rights Code recourse is small comfort, given the time involved in such litigation, litigation which must be initiated by the complainant and within certain practical time limits. The provision as presented above, however, has no teeth, affords no protection to many workers and allows easy manipulation of the system to avoid real obligations on the part of employers."

Our second concern has to do with the dual award system. I want to break it down into two sections to more adequately outline what our concerns are. The first concerns raised are with the lump sum payments. Members will recognize that the proposed dual award system proposes two payments: one for pain and suffering, a lump sum; and a second for loss of earnings.

The problem we have, of course, is that in spite of all the public hearings and in spite of what we heard, the whole lump sum payment is still based on age discrimination. The human rights commission was very clear when it came before the committee and said: "The age distinctions discussed above give rise to significant concerns about their potential conflict with the code. In any event, to the degree they incorporate stereotypical assumptions regarding a person's need and potential capabilities based



on age, the proposed amendments are inconsistent with the spirit of the code and in that respect are inappropriate in the Canadian society of the late 1980s."

That did not change, even though many groups that came before us said that was out and out, blatant discrimination and the ministry should revise the whole manner in which it was awarding this particular payment.

Second, in terms of the lump sum payment, there is still no role for the family physician in determining what the loss will be and what the percentage of permanent damage is. The Canadian Union of Public Employees, Ontario Division, said, for example that this roster of doctors which is now going to be established to determine the percentage the worker will receive: "may be government appointed, but only on the recommendation of the board. We would still have the board choosing doctors. Workers should have the unqualified right to choose the doctors who assess them."

Finally in this section was the question that you could go for a reassessment of your pension, but it had to be proven that your condition had suffered significant deterioration not anticipated at the last time you had been assessed. There were a couple of medical people who came before the committee, and we specifically asked them, if they were going to look at an injured worker to try to determine the amount of damage, whether they could, in any way, shape or form, determine what the future deterioration would be of that worker. They said that of course they could not and that it was unrealistic to expect or assume that any physician in this province could.

The National Congress of Italian Canadians said this about that particular section of the bill: "Not only will the worker have to prove significant deterioration, but the worker will have to show that the deterioration was not anticipated at the time of the most recent medical assessment. It is difficult to comprehend how a worker will be able to prove that the medical assessor did not anticipate his deterioration at the time of the assessment."

If members look at the latest set of amendments, they will find that in fact that stipulation still remains. A worker, although he can go to the board on more than one or two occasions to apply for an increase in his pension, still is in the almost impossible position of having to prove that the deterioration was not anticipated the last time he was assessed. I point out again that there is no doctor in this province who is going to be able to

do that with any sense of legitimacy—or integrity, for that matter.

I look at the second part of the dual award system; that is, the future loss of earnings. I have gone through it at some great length. The concerns we have come out of what we heard about Saskatchewan and the fact that the recommendations put forward by the review committee in 1986 do not even find their way into this particular bill to provide a minimum of protection for injured workers.

To go back to that, the problem we have then is that there is really no protection against deeming. Deeming still will be available as a tool that the board can use in an extremely punitive manner, as has been shown to have been done. We received many, many people during the course of the hearings who brought their cases before us; they had been deemed to do all kinds of outrageous things in a manner that was totally unacceptable to, and certainly contrary to the spirit of, any legislation that had ever been passed in here. I find it unfortunate that, given that this was one of the main problems we heard and that I would have thought the Liberal members on that committee were appalled by that particular problem, there has been no move to limit deeming or to not allow deeming at all except in a case such as that described by the Saskatchewan review committee.

I am quite dismayed—I guess that is the only word I can use—by the fact that after all we heard and the many, many cases that I have tried to raise in this House about how unfair and unjust this process is, the minister has done virtually nothing to curb the discretionary power of the board and to say that deeming will not occur unless, and only unless, the worker takes himself right out of the workforce on his own.

Considering deeming, I think it is important to reiterate what some of the groups said before the committee hearings so that people will know that my problem with deeming is not only my problem but something that all kinds of organizations are experiencing.

The Canadian Union of Postal Workers said, "The phantom jobs scam created by the deeming provision in Bill 162 cannot be justified, and it is entirely inappropriate that the board is the sole determinant of what constitutes suitable and available employment for the worker."

Canadian Union of Public Employees, Local 114, said this: "The Minister of Labour has continuously informed us that Bill 162 will not contain the element of deeming workers at phantom jobs. It would appear that this belief is



based on the provision that the worker's wage loss must be determined as having regard to suitable and available work. It must also be pointed out that the current legislation also contains references to 'suitable and available.' The present section also clearly states that the board must compare actual pre-accident and post-accident earnings. Despite all of this, the Workers' Compensation Board has exercised its discretion in such a way as to deem workers' earning capacities from jobs which they do not have."

Our concerns with deeming come not only from our experience in our own riding offices, but again and again there were large numbers of groups who came before us, brought the injured workers with them and said: "Tell your story. Tell this group what the board has told you you were capable of doing." I raised in this House the case of Mrs Desjardins, who had been told she could be a bookkeeper; my colleague raised the case of the janitor who was told he could be an air traffic controller; we had another gentleman at the hearings at convocation hall who had been told he could be a computer analyst, and it went on and on.

The whole process is just gross. It should never have been allowed. A stop should long ago have been put to the kind of procedure that is going on at the board, and there has not been a stop put to it on the part of this minister. Legislating that whole unjust system into place now is beyond belief. It certainly shows that this government does not understand what is going on at the board and the impact that those kinds of policies are having on injured workers in this province.

I want to deal with two more of our major concerns on this bill, rehabilitation and the incredible discretionary power available to the board under this bill. If I look at the question of rehabilitation, then I guess I can say that the biggest disappointment I had in light of this bill was the fact that the Minister of Labour did not see fit to incorporate the recommendations of Majesky-Minna into this bill.

**2050**

It is important to go back and see what the authors of that report had to say, because when they had the task before them and they went across the province gathering information about this particular issue they were clearly concerned that the task they had been dealt was an important one, and that after making the recommendations there would be an onus on this government in particular to do something about it. If the

government was going to pay \$2 million to have them do their work and do it well, then certainly the government should make the changes that were necessary to ensure adequate rehabilitation. The group, when it submitted its report in August 1987, said this:

"We have arrived at this report following an extensive process of 21 public hearings throughout the province, consideration of research reports that we have commissioned and numerous meetings on our part.

"The process has been a difficult one. In addition to a multitude of points and issues to consider, we have had to deal with the emotional impact of the public hearing testimony from injured workers and other constituencies. At times we found it hard to imagine that such a situation of neglect and mistreatment can exist within our province.

"We have been frustrated in our research endeavours by certain senior members of the Workers' Compensation Board. This lack of co-operation led to numerous delays in the required research and consequently delayed the completion of this report.

"We believe that we have dealt effectively with the terms of reference you set out for us in May of 1986. However, in order to present you a comprehensive reform model we have had to undertake a holistic approach to the rehabilitation of injured workers. Consequently, our comments and recommendations are not limited to a narrow focus only on vocational rehabilitation.

"In submitting this report to you it is our hope that our research efforts and recommendations will result in a more responsive and comprehensive approach to the rehabilitation of injured workers."

It was important that they made that comment because I think they felt, as I feel in looking at the work they have done and the fact that the recommendations do not appear, that what they were proposing was a change in vision completely of rehabilitation and they were hoping that the government of the day would at least have the courage to implement it.

They said in their "Final Statement," and I am going to quote because it is extremely important:

"Clearly there are unions, employers and groups of injured workers who have taken a leadership role in attempting to change the system. However, there are far too many who do no more than what is required by law.

"Changing a monolithic system such as the WCB requires involvement by caring persons at all levels. But, first of all, it requires the



government to enact new legislation and translate it into change throughout the system."

That was their hope and their concern was that perhaps the Minister of Labour or the government of the day would not do that. In fact, they have been proven correct. Time and time again, we heard from groups that came before us that rehabilitation as envisaged by Minna-Majesky did not appear in the bill. The basic premise that they made, that rehabilitation had to be a statutory right, was not even included in the bill.

During our sitting in May, where he introduced his new sets of amendments that did not include a statutory right to rehabilitation, I asked the Minister of Labour why, in light of all the work Minna-Majesky had done, it was not appropriate that he, as the Minister of Labour, accept their recommendations and implement their specific provisions. He said, on the question of a mandatory right for rehabilitation:

"What Minna-Majesky said is that that person, by virtue of the fact he has a serious injury that keeps him away from work for 45 days, has a right to vocational rehabilitation. Do you know what that means? That means to have a full supplement, 90 per cent of pre-accident earnings, during the period of vocational rehabilitation, and to have a program, conceivably, that suits what the worker wants to do post-injury.

"Surely to God you are not advocating a system like that. Surely to God we have to constrain. We have to have some sort of framework to say there are people who have been denied vocational rehabilitation. We do want a system that is better. But ultimately the decision has to be within the context of appeal and discretion, a system that directs those resources to those who need them."

I guess, in response, that is in fact the position I would take, and that is in fact the kind of vision that Minna-Majesky had and that this party supports wholeheartedly, because you do not change the kind of discretionary power that the board has to offer some people rehabilitation and others no rehabilitation if you cut them off because they are unco-operative or because they do not have enough formal education to participate in another program or you decide you do not like the colour of their hair, their looks, their age or anything else, then you are not ensuring that workers who need effective rehabilitation to become productive are going to get that.

The task force, during the whole course of the hearings, found that if the board did not have to provide rehabilitation, then it would not. That is why they specifically said there has to be a

statutory right in this legislation, because otherwise the board will not do a damned thing when it comes to rehabilitating people who need to be rehabilitated.

I should point out, as well, to members in this House that our system of rehabilitation is really in the Dark Ages when we compare it with what Quebec has. If we had been smart, we would have first accepted the recommendations of Minna-Majesky and then taken a look at the Quebec system, where there is a guaranteed right to rehabilitation; not only vocational rehabilitation, but physical rehabilitation and social rehabilitation. Payments are made to change a whole house if a person cannot work or if he is in a wheelchair, and to have an assistant come in and care for that person if the person can no longer do the things that had been done normally within the home. Payments are made to allow people who cannot return to work start a new business. There are subsidies for a year to allow them to do that, and on and on and on.

Why we are in the Dark Ages and why our system is so dinosaur-like is beyond me. I would have anticipated, after all the work that was done, that we could have at least made the initial step of accepting what the task force had to say and ensuring that it was implemented in this bill. The government did not even have the courage to do that.

Finally, in terms of outlining our opposition to this bill and the specific concerns that we have, I want to deal just quickly with the question of WCB discretion. We heard again and again during the course of public hearings, not only from injured workers' groups or legal clinics or the trade union movement, but we heard specifically in this regard from employers who said that a major problem at the Workers' Compensation Board was the tremendous amount of discretionary power given to administrators to do whatever they wanted in regard to injured worker and employers.

Many groups who came before us said that it seemed there was one law that was the Workers' Compensation Act, that some people thought was in place, and there was a whole internal law that the board itself operated by. Those rights, and a clear definition of what the rights were, were not allowed to be given to the public, so the public never knew what it could expect when it went to the compensation board in order to receive what duly should have been given to workers who were hurt on the job.

I was amazed when the minister came into committee on 25 May that in fact after hearing all



of the groups that came, the employers included, after hearing everything that people had to say about discretion, all of the areas under section 69 that outline all of the discretionary powers of the board remain. There have not been any changes in that section, except to outline a little clearer just what those powers are. In some cases it even gives more power to the board.

I should point out that not only do we have all the discretion allowed in section 69, which allows about 13 items, but throughout the entire bill there are all kinds of areas where the board has the power to determine what it will do, what a worker will do. "The board shall" and "Where the employee has to" and it goes on and on and on.

Why we would not have taken this step, starting to curb some of the tremendous power the board has, in response to all of the concerns we heard at the public hearings, again, is beyond me. It was a complaint we heard from all sides. It was a complaint that I, as a representative, have when I deal with the board because if you deal with two different adjudicators on the same case, you will probably get two different answers. That certainly is not the way a system that is providing compensation should be run in this province.

I just want to reiterate what some of the groups said in terms of WCB discretion. The Canadian Union of Public Employees said: "In our analysis of Bill 162, we have reached the conclusion that this section"—that is section 69—"may be the most damaging of all. This appears to be putting the fox in charge of the henhouse. If past practice holds true, injured workers can expect little from board bureaucrats."

The Ontario Public Service Employees Union said: "The WCB acts as a law unto itself. Sometimes it shows mercy; often it does not. Sometimes it offers retraining; often it does not. Sometimes it stalls older people; sometimes it stalls younger people. There is no pattern here, expect arbitrariness. Why should the Legislature give a board like that increased powers to make its own decisions? What the board needs is restraint and a clear set of guidelines to ensure justice and fairness."

That is absolutely right. It is really unfortunate that the Minister of Labour did not see fit to ensure that those tremendous powers that the board has would in some way, shape or form be actually curbed.

## 2100

The last section I want to deal with in terms of what we should have been reporting really concerns the conclusions that came out of the

public hearings. I guess I have said that if this government had had any sense at all and if the government had listened to the people, when this committee returned to the Legislature the government would have withdrawn this bill because, in fact, the overwhelming majority of groups who appeared before the committee said that the bill could not be tinkered with, it could not be fixed, but, in fact, it had to be withdrawn. I cannot emphasize enough for members of this House how strenuously that was placed and how strenuous was the opposition to this bill during the course of public hearings.

It is amazing to me that a bill that is supposed to help workers and that is supposed to protect those very people, it is that particular bill which has been completely and utterly opposed by them at every course during the public hearings. There are a number of articles that I could read which point out what the feeling was during the course of the public hearings.

The Canadian Union of Public Employees said: "The legislation was developed and introduced without consultation with injured workers or trade unions. It does not meet the needs of injured workers and must be withdrawn."

The Canadian Auto Workers said: "Bill 162 should be withdrawn and the committee should recommend that the ministry consult with all interested parties and draft a serious, long-range plan for compensation in this province."

The United Steelworkers of America in Toronto said: "A totally new piece of legislation must be drafted which will make progressive changes to the Ontario Workers' Compensation Act. We feel that the Ontario government should enter into a comprehensive consultative process along the lines of a tripartite discussion so that injured workers' concerns will truly be reflected."

Finally, from the Canadian Auto Workers, Peel and area council: "The government should withdraw the bill and refer all compensation matters to the green paper committee, thereby allowing a thorough review by all interested parties."

We gave the government the out on this particular issue. We gave them a way that, in trying to really respond to the concerns that had been raised, they could withdraw the bill in a manner that would not be embarrassing to them, but in a manner which would more logically reflect how compensation issues should be treated and how reform should occur in this province.



During my resolution which was debated on 15 June in this House, I suggested that the Minister of Labour withdraw the bill and send the contents of this particular legislation to the Workers' Compensation Reform Advisory Group, which is now in the process of drafting a green paper on other issues that should be changed in the compensation system.

If you go back and look at the terms of reference that established the green paper committee, you have to wonder why in hell this bill did not go there in the first place. I want to read the terms of reference of the committee for the members of this House so that they have the benefit of what the mandate of that group is and why the contents of the bill should have gone to it for it to deal with in a more open and logical forum.

The terms of reference are, "Whereas the Minister of Labour deems it advisable to obtain the opinions of various representatives of the workplace in respect of workers' compensation, there is established a group to be known as the Workers' Compensation Reform Advisory Group to advise the Minister of Labour on the subject of reform under the Workers' Compensation Act."

I have to ask members who are in the chamber, why did this bill and all of its contents not go to the green paper committee to be dealt with by it? It is a joint committee of management and labour. It has the power to call on expert witnesses. It has the power to gather research and make sound and logical determinations about how reform should be achieved in this province.

Unlike the process that went on around Bill 162, it would have involved all of those groups who are most interested in change and who should be involved in changing workers' compensation in this province. I said that to the minister in this House and we gave him that opportunity in committee. I moved that particular motion again and we had given the minister the out that he needed in order to respond to the many, many concerns that were raised during the course of the public hearings. Why, in fact, the Minister of Labour does not heed that and why, in fact, this government continues with this terrible piece of legislation is surely beyond me. I cannot understand it, especially after all I heard during the course of public hearings in opposition to this bill.

Interjections.

**Miss Martel:** I am getting there. The legal clinics, in particular, put together a tremendous brief in terms of why this bill was bad and why

this bill did not solve any of the problems that we know exist under the present system.

They provided to the committee a long conclusion which I was going to read, because it says better than anyone else could, I think, why this bill should be set aside and why we should begin once again. If I can just paraphrase as quickly as possible, they said that the grievances of workers are long-standing and workers' compensation reform has been slow.

For over a decade clinic workers have tried to help workers who have had their lives ruined by arbitrary decisions. They have seen, over the course of those 10 years, the historic bargain that was made between employers and employees steadily eroded, as more employers challenge the system and as more of the decisions of the board became arbitrary and unfair.

They have said in fact that the solutions to these problems that are in Bill 162 are not new either. "They are largely a repetition of the ideas that were developed by Paul Weiler in the review of workers' compensation 10 years ago. Those ideas have already been rejected for reasons that are valid today. Compensation based on the deemed loss of wages is an excuse for not compensating the real impairment of earnings capacity. Injured workers do not need a right to an assessment of the wages that they could theoretically be earning. They need a right to meaningful rehabilitation and affirmative action in job placement."

They have also said: "Who are those overcompensated workers whom the minister has talked about? They are the workers who overcome the limitations of their disability, re-establish themselves in the workforce and receive, in addition, a so-called bonus in the form of their permanent disability."

"Those workers are the unsung heroes of our labour force who endure pain and suffering to keep working in order to continue their contribution to society. The pension they receive recognizes their permanent, 24-hour-a-day physical disability and they deserve it all. In fact, it can be argued that these workers deserve more recognition, rather than the punishment contemplated under Bill 162."

The reform of workers' compensation will always be a highly controversial task, but the concepts contained in Bill 162 are not effective solutions for these problems. This bill should be set aside. The 10 years of study, to which the minister has referred, have shown us that the old solutions are not acceptable. Workers' compensation is in need of a fresh approach to reform.



Now is the time to develop a process to seek out those new ideas and not try to resuscitate the old.

As I wind down—and I should point out to the Liberal backbenchers that my other colleagues have every intention of joining in on this debate, so it will be a very long evening. I would like to give them the opportunity to get on as well—but as I finish with some of the concerns that I have and try to sum up, let me try to say a couple of things. This issue has been extremely important to me for many months. The issue of reform of workers' compensation and a system that works to provide for injured workers who are hurt on the job is important, not only because I am a former board employee but because now, as an MPP, I represent injured workers.

About 60 per cent of all the cases that we do are in some way, shape or form related to workers' compensation. That is far higher than should ever be tolerated in any MPP's office across the province. In fact, last week we had nine new compensation cases on one day alone. That says to me and to my staff that the present system is not working and in fact needs a complete overhaul.

I have to say, after a very careful examination of this bill by me and by many people who deal with compensation every day, it is my belief that the bill is really a pathetic excuse for trying to change a system which is hardly limping along at this point. If I seriously thought in conscience and in my heart that this bill did something to make the system better, then I would support it, because I am not against change. But what I am against is a bill that will not make the system any better but that is going to make the system even more unfair and more arbitrary than it is even now.

**2110**

This is what this bill is all about: it is about cutbacks; it is about increased board power over injured workers' lives; it is about a lack of proper rehabilitation that should be put into place, and it is about a dual award system that is going to be far worse and mean far less benefits. That has already been seen in other provinces. I do not think it is the kind of system that we should be putting into place in this province.

Our position has been strengthened by the many groups out there who, after reading this bill, took similar positions to the ones we took. We joined their fight; their fight against this bill was already under way. Together there has been a whole coalition of people who have said that there was no consultation—that is the first problem—and what the minister proposes will not

make the present system any better. In fact, many said it is better to leave the present system in place if this is all we can hope for.

I want to put on the record now because I may not have another opportunity to do this—I understand that the government is going to move very quickly to close this debate down and ram this bill through—that there are a number of people whom I should thank at this time for their support during the course of this whole debate. I would take the risk and try to name names, but then I may get into more trouble than anything else.

I guess what I want to do in the broadest terms is to thank all of those people from the clinic movement right across the province, all of the injured workers groups which have been fighting so hard against this bill, and the Ontario Federation of Labour and other unions which have spent many thousands of dollars and many hours of effort in order to convince this government that this legislation is terrible, should be withdrawn and does not respond to their concerns.

For the life of me, I cannot understand how the government can put into place a system of legislation that has been resoundingly rejected by the groups that are supposed to benefit from it. I say again, as I did earlier in the course of my remarks, that it is the first time in this province that this government is going to continue and put in place a system of compensation that has not been discussed or agreed upon by any of those groups that are going to be most affected by it. I think that is a tragedy and it says a lot about the Liberals' lack of concern for injured workers and for true reform of a system that is in desperate need of reform.

There are a number of people who helped us along the way; they have to go unnamed because of their position in terms of occupation—they may suffer some repercussions at the hands of the Minister of Labour. They have bitterly opposed this bill. There are many people in the office of the worker adviser who know this is going to mean even more dramatic problems for them, but of course, they were not allowed to say their piece on this bill. But I will thank them anyway because they were a tremendous asset.

Finally, I want to thank the researcher, Dave deLaunay, who did a great deal of work on this bill on my behalf; I want to thank my staff, who put up with a great deal in the months that I have gone on trying to fight this bill, and I want to thank in particular all of my colleagues, who have been extremely supportive during the whole



course of this debate. It has been almost a year now that we have held off this particularly bad piece of legislation in the hope that the government would have some sense and withdraw it.

I am sure that within the week or perhaps early next week, the government will introduce closure and this bill will be all over. In fact, a piece of legislation that workers hate will be rammed down their throats. I want to say that we may lose this battle, but we have not lost the war. In the end, when the government finishes ramming this bill down the throats of injured workers and their representatives, we are going to have to pick up the pieces and we are going to have to try to adjust to a system that is far more unfair than the present system.

I can tell the minister and this government that I will continue to raise those cases of unfair dealing, those cases where workers do not get rehabilitation when they need it, the cases of extreme and outlandish WCB discretion, and every time I do, I will blame this government for bringing in this bill.

This bill is completely unjust, it is completely unfair and it will put in place a system that is more arbitrary than ever before. If the government had had any sense, it would have withdrawn the legislation. But I am confident that in the end, although it may be a long struggle yet, this government will regret the day that it ever let this legislation pass in this House.

**Mr Mackenzie:** It is with a mixture of both pleasure and sadness that I rise in my place to make a few remarks on Bill 162. I would not be fair if I did not first make some comments about the remarks that came from my colleague the member for Sudbury East (Miss Martel), who really has said it all for all of us. In the last three hours and 15 minutes, the members of this House, if any of them on the other side listened, heard as cogent, as intelligent, as well meaning and as serious a presentation in detail as has ever been given in this House.

Of the small-minded hecklers and yappers we heard during her speech, there is not one who will get up and make a speech on this bill tonight. They would be shown up so totally by what my colleague has just said in this House that they would be ashamed of themselves.

**Mr Ballinger:** You have the same problem, my friend.

**Mr Mackenzie:** Well, the difference is that I know it, and I could not begin to answer.

**The Acting Speaker (Mr Polsinelli):** Order.

**Mr Mackenzie:** It is funny the empty heads and lots of wind that come from that corner of the Liberal benches.

Interjections.

**The Acting Speaker:** Order. The members are reminded of standing order 19. Please give the member the respect that any one of us would expect when we are speaking.

**Mr Mackenzie:** In the very, very good presentation that was made by my colleague, she pointed out not only the shortcomings in the bill but what to many of us on this side of the House has become even more frustrating, and that is the kind of stories, answers and arguments we got, including from the Minister of Labour, about what this bill did, when in most cases this bill did not do the things he said it did. That was clearly outlined, and examples were given and quotes were made.

The wrong messages are being sent out to the workers and the people of Ontario with the kind of the information that is not totally accurate that certainly is being disseminated by members of this government. Very wrong messages. We have to wonder whether that is the most serious problem we face, the lack of real action on specific and important issues to people in this province, or whether it is the ham-handed, iron fist they are using to jam through pieces of legislation that nobody wants in the province, at least nobody who can be identified, or whether it is the stench of some of the payoffs and corruption that is starting to addle some of their brains in the province of Ontario.

This is a sad day in this province, because what is happening here tonight is a debate that probably will never take place in this House again. It will not take place in this House again because this government is changing the rules and bringing in closure. They tried to do so at 5:55 in committee last night. What we are going to have is time allocation or closure in this House, probably tomorrow, that says we will have one or two days, or whatever they decide, to finish the debate on Bill 162.

**Mr Reycraft:** If you wouldn't abuse the rules, it wouldn't happen.

**Mr Mackenzie:** Well, does the government bend the rules if something is wrong, when it will not even defend it, I ask the government whip?

**Mr Reycraft:** Abuse, not bend. That's called anarchy.

**Mr Mackenzie:** No, the anarchy is really the arrogance of this government in deciding it can use any tactic it wants to jam through a bill about which it has never had any consultation with the parties that are going to be affected, and yet it has tried to tell us it has. To me, there is an

old-fashioned word for that and it has "honesty" in it.

2120

The sad day is that we are here tonight, in some ways an almost historic occasion, sitting late at night, which does not happen in this House any more, and with closure facing us in the next day or two on a specific bill in this Legislature that will affect injured workers across this province. We are here under the threat of closure. I ask the members of this House how they really justify closure on a bill that affects only one group of people, however large a group of people it be, and that means as much as it does to injured workers. What is the justification for the iron fist of closure on a bill like this in this House? They cannot justify it.

It is important, I think, to look at what went on in the debate leading up to this particular piece of legislation. First off, workers' compensation, as my colleague pointed out very effectively, has been an argument, a concern, a worry, a flawed piece of legislation in this province for an awful lot of years. My colleagues up north do a heck of a lot more WCB work than I do, but it is one of the heaviest items in terms of the case load in my constituency and has been for 14 years.

There are things wrong with this legislation, but this is the first time in Ontario that a government has brought in legislation that does not improve the bill, but moves it backwards and hurts injured workers. That is exactly what the legislation does, whether it is rehab or reinstatement, whether it is the deeming process, whether it is the more power it now gives the board, which already is a problem for all of us who have to deal with difficult cases.

The bill is not a good one. It is the worst or second-worst bill I have seen in 14 years in this Legislature. When the government moved this bill, it wanted it through by December 1988. They made it clear they wanted it through, and the minister himself did to my colleague our critic. It would have been jammed through this House if it was not for one little incident. It is unfortunate that it had to happen, but I think it shows the extent of the feeling of injured workers in Ontario.

What happened was the bill got out, it was passed around, we knew what was coming through and the injured workers gathered in the hall in this very building and we came close to having a riot here, and the members know it. They stormed the doors. They did that, I say to the members in this House, without any organization from us. They did that because the injured

workers in this province know exactly what this bill will mean to them.

I think it might be the time to read into the record once again the release that they issued just yesterday when they had a press conference in the press room here. What did they say? What did the injured workers say? If you talk to them—and I invite all members of this House to give me the name of one single injured workers' group in Ontario, one single one, that does not agree totally with this release that I am going to read, just as members opposite were not able to produce anybody they consulted with when they brought in the legislation. What did their release say yesterday?

"This government is drunk with power. Not only have they not had power like this in 30-some years, they obviously have not prepared themselves to handle it. Their attack on the democratic process and betrayal of average citizens is well documented in the press.

"We cannot make large monetary contributions, legal or otherwise, like large corporations and companies. For the past year, we and all other injured workers' groups in this province, joined by the trade union movement, have lobbied and protested against Bill 162. When we finally got hearings, they refused to hear 310 submissions which made application before the deadline, never mind the late ones.

"Labour minister Sorbara stated publicly that all stake holders—this included injured workers' groups, trade unions, legal clinics and injured workers themselves—had been consulted when Bill 162 was drafted. This has been revealed to be an outright lie. Is it any wonder we call him the minister of employers?

"Now they are forcing Bill 162 out of committee and into the House. We the people whose lives are most affected by this legislation have been betrayed by this sad excuse for a government.

"1. We were not consulted at all.

"2. We had to fight for a voice through hearings.

"3. The hearing process was discriminatory in denying all concerned an opportunity to be heard and restricting those who were.

"4. The government insultingly and unscrupulously advertised and promoted Bill 162 while professing to listen with an open mind. This advertising took place during the hearing process.

"5. We, the group directly affected by this legislation, have uncategorically requested its withdrawal.



"6. While in the midst of financial scandals this government has the effrontery to attempt ramming through terrible legislation which greatly benefits the types of industries named in the scandals.

"7. Bill 162 not only discriminates against present and future injured workers, it also discriminates against and insults medical and health professionals.

"8. This is obviously a move towards the Americanization of our system and a result of free trade.

"9. If we are going to be forced to be Americanized, then we demand the same rights held by all American citizens, the right to sue anyone. This includes employers. This includes the right to sue our government.

"10. For the first time in WCB history, modification of the act will be made against the explicit wishes of those most affected by it.

"This is a sad day for democracy, a disaster for rights and freedoms, a time of mourning for all employees in this province. Obviously, the citizens of Ontario have been duped. This government was elected because of its good work when in coalition with the New Democratic Party. It is now blatantly obvious we elected the worst party. Bring down this most corrupt and self-interested, corporate-owned government. It is drunk with power."

**Mr Faubert:** Is that the UAW newsletter?

**Mr Mackenzie:** The member can insult them if he wishes. That happens to be a statement that I did not see until I sat in at their press conference yesterday. It is the statement that was made by the injured workers in a press conference here in this Legislature yesterday.

**Mr Faubert:** Who?

**Mr Mackenzie:** Who? It is obvious, just like the bill, that those people do not know much about what is going on. If anybody in this room can tell me one of the groups in the injured workers' coalition, which covers the whole province now and has nearly a record membership, he should tell me, because they do not. They think this bill stinks, just as unions do, as legal clinics do, as most church groups do, as many of the organizations that work with people in Ontario do. They are right. The bill does stink, and that is the only word that can be used for it.

I think this might be useful also. Some of them have been quoted, but I am going to requote the comments on the various sections of this legislation, once again not from New Democrats although we know where we stand on this piece of legislation, and not, I do not think, from a

bunch of loonies or crazies, although obviously some of the Liberal members in this House like to so classify people who do not go along with them with this kind of a categorization.

But let me tell members the organizations and the comments and the areas so that we will know what people are saying about this legislation. I think it is very, very important that the people of Ontario clearly hear what this government is doing and what the people who are going to be affected by this legislation think of it, because this government, within the next five or six days, with closure, is going to have rammed through this particular legislation.

First, talking about public hearings re consultation:

The Canadian Auto Workers council, the overall organization for the entire union: "We in the CAW feel strongly that the ministry should have at least consulted or asked for some suggestions from all interested parties prior to the introduction of such wide-sweeping changes."

From the Ontario Public Service Employees Union, probably the largest union in the province and representing many Ontario government workers, "We know all the problems with the present system, though for a reason that defies imagination, we were never consulted as to any changes."

The Law Union of Ontario: "It is our view that any substantial reform of the system must arise from consultation with and with participation by the very community which the legislation should be assisting, injured workers and labour generally."

The Labour Council of Metropolitan Toronto, which represents I do not know how many now, 180,000 or whatever it is, organized workers in Toronto: "The intended bias of this legislation is obvious from the start. If the legislation was sincerely intended to meet the needs of injured workers, why is it that their organizations were not consulted in the drafting of these changes?"

One of the things we know that was not accurate, and my colleague well documented it, was the statements that were made by this minister that he had engaged in consultation, and incidentally those were made by Liberal members who sat on the committee on days when I sat on that committee as well. We have not had the proper information out to people.

Comments from public hearings re reinstatement:

If there is a necessity in a new workers' compensation bill in this province, it is a guarantee of reinstatement for injured workers.



What do the various groups say about this bill that is supposed to resolve this problem? Let me go through the list of them again, because I think it is important that the people of Ontario know clearly what the stakeholders are saying about this legislation that this Liberal Peterson government is ramming through this House.

The Ontario Professional Fire Fighters Association, hardly a radical group, not even really straight trade union status: What do they say? "I believe that we are being naïve if we suspect that lobbying for exemptions would not take place. One rule for everyone should be the only rule."

My colleague pointed out the number of exemptions and the right of the board to add new exemptions to this.

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Canadian Union of Public Employees, Timmins, "There is not good reason for such sweeping exclusions or indeed for any exclusions. In Quebec, the only other jurisdiction in which reinstatement rights, construction and small employees, are not exempted."

CUPE, Kapuskasing; Iroquois Falls: "In our opinion, the company should be responsible for an injury on the job. There should be no time limit on something so basic as the right to return to work after you have recovered from your injury."

The United Steelworkers of America, Local 6409: "Is it fair or reasonable that with two workers, one with less than one year's seniority and the other with more than one year's seniority, both having permanent impairments of 20 per cent, for one to be reinstated and the other not to be reinstated? I submit that that is not only unfair; it is inhumane."

The USWA, my own local union, District 6, which covers all of Ontario: "The exceptions and qualifications to the employer's obligation to reinstate workers in receipt of benefits and the weak penalty clauses for noncompliance with the reinstatement provisions render these provisions completely meaningless. If the act cannot provide a meaningful reinstatement obligation, then the whole matter of reinstatement is better left to the Ontario Human Rights Code which sets forth a broader and stronger obligation."

I think my colleague well pointed out in detail the fact that we have the minister bringing in a law that is weaker than the Human Rights Code in Ontario.

CUPE council, and this covers its entire organization in the province: "This last provision contains no restrictions at all and the board could exclude other workers, one group at a time, until

all workers are excluded. Workers of Ontario have little use for a reinstatement provision which contains its own self-destruct mechanism."

For the Ottawa and District Labour Council: "We believe the exclusions under the bill are unacceptable. No reinstatement for workers employed less than a year: This flies in the face of what every safety officer knows to be a fact. Workers are injured in far greater numbers when they are new to a job. Workers under a year suffer a greater chance of injury and should not be punished for it."

The Nepean Professional Firefighters Association, "Following years of no protection or right in this regard, the minister now wishes to exempt approximately one third of the present workers by these amendments and refuses to specify the other employees to be designated except by regulation."

The Law Union of Ontario: "Availability of Human Rights Code recourse is small comfort given the time involved in such litigation, litigation which can be initiated by the complainant and within certain practical time limits. The provision as presented, however, has no teeth, affords no protection to many workers and allows easy manipulation of the system to avoid real obligations on the part of the employers."

CUPE, Ontario council: "Both the Quebec reinstatement legislation and the Ontario Human Rights Code contain the power to order the reinstatement of a worker with back pay and benefits which an employer refuses to reinstate. It is only with this kind of remedy that a true right of reinstatement can be said to exist." It is funny they can do it in Quebec, and that specifically, but it was not considered here at all.

That is only the reinstatement. I intend to put all these comments from the public hearings on record. These are the groups that met with the committee across Ontario.

Reassessment of noneconomic loss: If there is ever a joker in the pack, this is one of them in this bill.

"We submit that such requirements extend beyond the determination of a clinical impairment rating and leave the examining physician to crystal-ball the future condition of the injured worker. Consequently, the rating schedule will be applied based on the physician's speculation." That is MVMA; 010. Forgive me; I do not know just what group that was, but it was one of the groups that appeared before our committee.

The USWA-Steelworkers, Timmins—"The amount payable is ridiculously low when it is



compared to the amounts awarded by the courts in civil law suits. The amounts should be comparable because the suffering endured is the same whether or not the disability occurred at work."

Ontario Public Service Employees Union: "We do not accept discrimination on the basis of age any more than we accept discrimination on the basis of race or creed or sex."

The Union of Injured Workers in the city of Sudbury: "Injured workers who request a reassessment because their doctors feel their condition has deteriorated will be told that this deterioration was anticipated when they were last assessed."

United Food and Commercial Workers International Union: "Under Bill 162, the Workers' Compensation Board will be asking doctors not to rule on the current injury, but on both the current state and what the doctors expect to happen to the worker in the future. In effect, the Workers' Compensation Board will be asking doctors to act as fortune tellers predicting what might or might not happen in the future."

District 6 council of the Steelworkers: "In making age a factor to the entitlement of a worker, is the legislation saying that people over 45 derive less enjoyment from non-work-related aspects of life than do people under 45? This premise is unsupportable, unfair and completely ridiculous."

CUPE council: "Further, we anticipate problems with the interpretation of the words 'significant' and 'not anticipated.'" As a side-light of my own, if there have been problems in the past, there are unclear interpretations or definitions of some of these words. "It will be up to the board to decide the meaning of these words and our experience makes us very sceptical about the board's likely interpretation. This provision could be especially troublesome in the case of back injuries which are almost always expected to deteriorate."

The Ottawa Legal Clinic: "It is difficult to conceive how any physician can reasonably predict the future consequences of an injury on a worker. The rationale for this process of subtraction or addition is not apparent. It is the belief of the ministry that a lost eye is less painful or injurious to a 55-year-old than it is to a 35-year-old."

CUPE, Local 870: "The major problem with the formula itself is that it is designed to produce extremely low awards. It is important to remember that this portion of the pension will often be

the only pension available to a worker with a permanent disability."

Public Service Alliance of Canada, Ottawa, "There can, in our view, be little justification for a system that treats an older worker with a substantial impairment in such a callous way."

Comments from public—

Interjection.

**Mr Mackenzie:** If the member thinks we should not pass on these comments, then the member sure has no respect for the people who are going to suffer as a result or the many organizations that represent them in this province.

Comments from public hearings re medical roster:

An individual: "But in giving the employer and the employee a choice to select from a preselected roster of medical practitioners to conduct reassessment is what the minister calls responding to the long-standing concerns of injured workers?"

The Canadian Auto Workers council, "Despite widespread mistrust of WCB doctors, they will continue under Bill 162 to assess the percentage of permanent impairment in deciding what the appropriate noneconomic loss award should be."

The Porcupine and District Labour Council, "Even though injured workers have demanded for years that WCB doctors be abolished, to this there is no indication that the government has been listening."

Canadian Paperworkers Union, and they certainly represent a lot of workers in northern Ontario: "The board is given too much discretion with those factors that they must take into account when figuring out how much a long-term injured worker is entitled to in future wage-loss benefits. For example, how will the term 'personal characteristics of the worker' be interpreted and how will it affect his benefits?"

CUPE, Ontario council: "This roster of doctors may be government appointed, but only on the recommendation of the board. We would still have the board choosing doctors. Workers should have the unqualified right to choose the doctors who will assess them."

I really do not know how you argue with some of these points.

To continue in the same area, CUPE, Ottawa council: "We have our doubts about how well even a medical expert can predict the anticipated likely future consequences of the injury in a fair way. This is obviously an attempt to cut down on future assessment increases by allowing the

board to say to a worker whose condition worsens, 'We took that deterioration into account at the first assessment.'"

The Construction Trades Council of Ontario: "The minister has said on a number of occasions that the noneconomic-loss award is new to the compensation system. As far as we can tell, this award is the old pension with less money." I think that is very accurate.

Singer, Brisbain and Humphrey, "Recommendation: that compensation for noneconomic loss be determined on an individual basis and not by a rigid and mechanical rating schedule which is in point of fact no different than the existing and unsatisfactory meat chart."

The National Congress of Italian Canadians: "Not only we workers have to prove significant deterioration, but the worker will have to show that the deterioration was not anticipated at the time of the most recent medical assessment. It is difficult to comprehend how a worker will be able to prove that the medical assessor did not anticipate his deterioration at the time of the assessment."

I do not know. All of these things were raised time and again. I did not hear the Liberal members who sat on that committee answering any of them specifically or getting any answers for them, nor did I hear the ministry people giving us any answers to them, and yet we are passing a bill in this Legislature—we are going to ram it through—that does all of these things to people in this province.

## 2140

Let's have a look at the comments from the public hearings regarding deeming.

This should at least bother a few of the government members because I know they may have backed off it, but I am told anyhow that at least two of the cabinet ministers told the people who interviewed them that the minister had said deeming was not involved in this legislation. It surely is. It surely institutionalizes it. I know that at one stage at least, both the Minister of Community and Social Services (Mr Sweeney) and the Minister of Consumer and Commercial Relations (Mr Wrye) had difficulties with the deeming provisions. This is one of the things that is really sick.

Comments from the Ontario Public Service Employees Union: "From the decision made by the board in the last few years, we have every reason to believe that the proposed wage-loss system will be nothing other than bureaucratic voodoo where the board slots workers into

imaginary jobs that the board considers suitable and available."

Canadian Auto Workers council: "We can think of no way that 45a(3)(a) through (f) can aid an injured worker, no matter what the regulations say, section 69, and we shudder at the thought that there are enough ifs, ands or buts in this proposed section that workers will be deemed all over the place."

Confederation of Canadian Unions: "We already know how the WCB is dealing with supplements under the current section 45. Workers are seeing their supplements reduced or are being denied supplements on the basis of what the WCB deems the worker to be capable of earning. We see no reason to expect the WCB to change its practice after Bill 162."

United Steelworkers of America, Toronto area council: "Pensions must reflect not only an individual's loss of life, but also actual lost wages, not deemed lost wages."

Canadian Union of Postal Employees, Timmins: "How does the worker receive an impartial determination from either a board doctor or one appointed by the board? Surely the minister is not serious about this change offering workers impartiality."

Mine, Mill and Smelter Workers Union: "If an injured worker is able to perform work after medical rehabilitation, then there must be a real job for him to perform and not a phantom job that someone feels the injured worker can do. If the intent of Bill 162 is to ensure that the injured worker do not receive anything less than 90 per cent of his pre-accident wage, then the intent must be clearly written into the bill."

United Food and Commercial Workers International Union: "The injured worker will not necessarily have this job, but the board in their infinite wisdom will rule that the injured worker should be able to do the job and the wage-loss pension will be calculated on these fictional earnings. This is not wage loss, it is not rehabilitation. It is legal science fiction designed to save the board money."

The Sudbury Legal Clinic, quoting from the Saskatchewan review committee: "When this question was raised before the 1982 committee, they attempted to limit the basis for deeming by commenting on the notion of a suitable occupation. The idea was that if the suitable occupation was narrowly defined, then the deeming process would be fair and reasonable. Much of the testimony received by the present committee during the course of its hearings throws a great deal of doubt on this concept. It is submitted that



this is because any system which is not based on actual wage loss suffered by the injured worker due to the injury is bound to create problems by leaving too much power in the hands of the board.

"The bill does not provide any control over the board using the 'suitable and available' employment criteria. The bill gives the board carte blanche to determine its own criteria for implementing the act. Thus the board will be allowed to run uncontrolled in an area in which current experience has shown it to be quite incapable of making fair and reasonable adjudicative decisions."

Incidentally, these are all cases, I want to repeat, that are before this House now as a result of coming before the committee as a whole. Once again, I have to ask the members of this House to tell me how much listening they did to any of the arguments that were made to them. They did about as much listening to any of the arguments that were made to them as they did consulting with the minister, in spite of what he told us before this legislation was drafted and presented to this House.

Canadian Union of Postal Employees council: "Under the schemes in Saskatchewan and British Columbia, the one set out in Bill 162, payment of permanent partial disability benefits for a loss of earnings, is broadly discretionary. In Saskatchewan and British Columbia, this has rendered the boards vulnerable to political pressures, predominantly from employers to cut costs."

I sure would not want this government vulnerable to any more political pressure or company pressure than it is getting right now. It does not seem to be able to resist it very well as it is.

CUPE, 870: "The WCB in Ontario has used the deeming process to calculate pension supplements. Deeming has been used to inflate earnings capacity to ensure that the supplements are reduced or not awarded."

International Association of Machinists and Aerospace Workers: "The WCB has proven extremely adept at finding phantom jobs which the disabled worker could theoretically do and which pay at least as much as his or her previous employment, whether or not such a job is actually available or related to their own background or capabilities."

CUPW: "The phantom jobs scam created by the deeming provisions in Bill 162 cannot be justified and it is entirely inappropriate that the board is the sole determinant of what constitutes

suitable and available employment for the worker."

Law Union of Ontario: "Faith in the fairness of board personnel and their proposed adherence to the spirit of the legislation does not lend much comfort in view of the present experience with deeming in the context of pension supplements."

CUPE Ontario: "The board did not wait for legislative change to introduce deeming and to start both severely cutting back workers' pension supplements and limiting the time period of available rehabilitation. Bill 162 proposes to make deeming a legislative provision and extend it to pensions."

United Food and Commercial Workers International Union, Local 1977: "What must be realized here is that the worker is not working or earning any money at this imaginary, fairytale job. If Mr Peterson and Mr Sorbara applied this principle of deeming of imaginary jobs to unemployed workers, they could probably reach zero unemployment in the province of Ontario."

CUPE, Local 114: "The Minister of Labour has continuously informed us that Bill 162 will not contain the element of deeming workers of phantom jobs. It would appear that this belief is based on the provision that the worker's wage loss must be determined having regard to suitable and available work. It must be pointed out that the current legislation also contains reference to suitable and available work. The present section also clearly states that the board must compare actual pre-accident and post-accident earnings. Despite this, the WCB has exercised its discretion in such a way as to deem the workers' earning capacity from jobs which they do not have and in many cases jobs which do not exist."

I think it is useful because the centre of this debate, as well, is whether this government has been straightforward with the people of Ontario and whether it has discussed something as important as this with the direct stakeholders. I cannot see them bringing in new tax legislation that gives a few breaks to the companies without sitting down and having some talks with them in advance. In the course of the public hearings before this committee, what do we have regarding comments about vocational rehabilitation?

Once again, CAW council: "The committee is rightfully proud of the fact that it was responsible for many of the initial investigations that brought about the Minna-Majesky report and is very disappointed that for the most part all of those important recommendations have been ignored."

I think it would be wrong to go by that without reiterating once again the comments of my



colleague. Because of problems with rehabilitation, because of problems with the board hospitals, the Minna-Majesky committee was set up and did an extensive tour of this province and investigation, and the government appointed the people who were on that committee. They brought in a number of recommendations. We adopted or accepted or put into Bill 162 none of these recommendations in total—one or two very partially—even though we spent money on this committee, had to travel across the province, and set it up to deal with a specific problem in Ontario.

As my colleague said, when we tried to get the Majesky-Minna people back before the committee, the Liberal members on that committee voted us down. They refused to have them back before the committee so we could discuss the fact that none of their recommendations was in there and in fact maybe even discuss if they did think this bill contained any of the recommendations they had made.

The Ontario Nurses' Association: "The government, instead of promoting and providing a right to rehabilitation as contemplated in the Majesky-Minna report, places far too much discretion in the hands of the Workers' Compensation Board."

Labourers' International Union of North America: "Successful rehabilitation offers the only opportunity to reduce the real cost of industrial accidents to injured workers and government and the only way of reducing WCB awards. Bill 162 does nothing to improve prospects for rehabilitation."

Union of Injured Workers in Sudbury: "The injured worker community had hoped that Bill 162 would solve the past problems and provide a new direction in vocational rehabilitation. However, we believe that Bill 162 falls disastrously short of reflecting the vocational rehabilitation needs of injured workers in Ontario."

Steelworkers, District 6: "The Majesky-Minna report recommends a case management approach to vocational rehabilitation. The task force recommendations in general emphasize respect for individual dignity and quality of life and the system recommended by the task force would ensure comprehensiveness and continuity of the provisions of vocational rehabilitation services. The meritorious recommendations of the task force have not found their way into Bill 162 either in spirit or in substance."

**2150**

Provincial Building and Construction Trades Council of Ontario: "Bill 162 does not answer

workers' concerns about the inadequacy of the rehabilitation services provided by the WCB. The government acts as if the task force on vocational rehabilitation never took place."

Lakeshore Area Multi-Service Project: "Certainly vocational rehabilitation is one of the most challenging aspects of the workers' compensation system. It is difficult to see how Bill 162 will change things very much, however, especially with the board as the gatekeeper to access."

Canadian Union of Public Employees, Ontario Division: "The system can never be successful without a genuine and effective commitment to rehabilitation. Such a commitment has never arisen voluntarily from the board and our members know that as long as the board retains discretion over rehabilitation it never will. Only when the injured worker has a statutory right to rehabilitation and a corollary right to reinstatement will there exist even the possibility of such a commitment."

Labour Council of Metropolitan Toronto and York Region: "The Ontario government commissioned a lengthy, costly and excellent report on rehabilitation, the Majesky-Minna report. Yet soon thereafter the same government has introduced legislation on the subject area studied which ignores the changes advocated in the report. The legislation provides a right to a vocational assessment but does not direct the board to provide services to the worker even if the assessment shows the need for them."

CUPE national office, Ottawa: "The fantasized problem that permanently injured workers will demand too much or too expensive rehabilitation could not possibly compact with the well-documented present problem of massive numbers of permanently injured workers being abandoned by the board and cast on to the industrial waste heap."

Once again, is there anything more important than rehabilitation for injured workers and why has it been totally denied in terms of this bill? Let's take a look at public hearings and WCB discretion.

**Mr Dietsch:** No, there isn't. No, wrong again.

**Mr Mackenzie:** I did not hear the member challenging any of them when they were before the committee; not one of them.

**Mr Dietsch:** You're wrong.

**Mr Mackenzie:** I am quoting their comments directly, that is all.

Canadian Auto Workers council: "In our analysis of Bill 162, we have reached the conclusion that this section 69 may be the most damaging of all. This appears to be putting the



fox in charge of the hen house. If past practice holds true, injured workers can expect little from board bureaucrats."

Confederation of Canadian Unions: "In spite of the tidal wave of complaints about the administration practices of the WCB in dealing with injured workers, the government has chosen to give it even more discretionary power to interpret and administer the new law as it sees fit."

Brigid Cyr from Timmins: "An accident suffered while protecting the lives and resources of the province should not be followed by that kind of loss of control over the basic decisions about life. No other branch of government, from the UIC to welfare, gets to have that much power in deciding people's lives."

Billie Rheault, OPSEU: "The WCB acts as a law unto itself. Sometimes it shows mercy; often it does not. Sometimes it offers retraining; often it does not. Sometimes it stalls older people; sometimes it stalls younger people. There is no pattern here, except arbitrariness. Why should the Legislature give a board like that increased power to make its own decisions? What the board needs is restraint and a clear set of guidelines to ensure justice and fairness."

The Ontario Legal Clinic: "The perception of the vast majority of injured workers represented by our clinics is that the board, whenever it can, uses its discretion to reduce or eliminate benefits and or services to injured workers. We think it is, therefore, a mistake to provide even more power and discretion to the board to make decisions based on its own judgement and we feel that this is exactly what the effect of this legislation will be."

Public Service Alliance of Canada: "The alliance believes that the rights of injured workers should be spelled out in the Workers' Compensation Act rather than being left to the discretion of the board. It is therefore unacceptable that Bill 162 move to increase the powers of the board. Particularly galling is the board's power under section 20 to make binding regulations to the act which will include the regulations relating to the meat chart, the criteria for deeming and the criteria for suitable and available work."

The Law Union of Ontario: "First, the deciding of regulation-making power to the board is overwhelming. This constitutes a complete abdication by the government of its ongoing legislative responsibility. It is the very areas where provisions are most vague and open to the most restrictive manipulation. The government has given over authority to a body which is

not only unaccountable to its beneficiary-receiving constituency but which is viewed by a substantial portion of that constituency as being antithetical to its interests."

Kensington-Bellwoods Community Legal Services: "Rather than decreasing the autocratic nature of workers' compensation administration, the proposals in section 20 of Bill 162 will increase the autocratic power of the board by legitimizing the board's legislative role and exempting the board from the effective external review."

"Problems with administering workers' compensation in Ontario arise because the board has too much unchecked power, not because it has too little. Bill 162 is a giant leap backwards in the administration of workers' compensation."

From Stringer, Brisbin and Humphrey: "Open-ended authority in the Workers' Compensation Board to develop and institute regulations will simply provide yet another battleground for that conflict. The already uncertain climate in workers' compensation matters will only be exacerbated if all interested parties must await board regulations which are to be developed with no input from these parties."

The three final ones in this section are the Canadian Union of Postal Workers, Local 79: "Backers of Bill 162 also claim that arbitrary decisions of the board may be overturned through appeal. An appeals procedure is no substitute for good legislation. It cannot fix what is fundamentally flawed."

The Canadian Auto Workers, Local 641: "It would have been infinitely more responsible of the Liberal government had it introduced legislation to amend the Workers' Compensation Act that would have had the net result of injured workers not having to resort to appeal to WCAT."

The Law Union of Ontario: "It is no answer to place reliance on WCAT to eventually sort out interpretative difficulties or to regulate potential policy abuse. The government cannot pass off responsibility for narrowing the extent of workers' compensation administrative discretion."

There are a lot of my own comments that I had started out thinking I wanted to put on record. Quite frankly, I did not because I am prepared to admit, unlike some of my colleagues to the left here, that I could not have made a better presentation than was made by my colleague the member for Sudbury East and that I did not know the legislation nearly as well. I submit to members that there is not a member in this House, and certainly not the Minister of Labour,



who has nearly the grasp of this legislation as does my colleague the member for Sudbury East. She not only has that but she has, as I said at the beginning, a commitment and a heart and a feeling for it.

I saw people across the way laughing when she mentioned that she worked for the board. She did work for the board. She got some firsthand experience, as well as having a lot of experience, I suspect, through her father's constituency office and her own work since in dealing with workers' compensation.

She has made a point of not just studying the legislation, not just asking the questions which have never been answered by this minister or any members in this committee, but she has made it her objective as well to sit down with the stakeholder groups in Ontario, and God only knows that I know from her schedule there have been many of them, to discuss with them what they think, what are the bottom lines, what could we get away with, what could we not get away with and is there anything to commend the bill?

I want to tell members that the overwhelming response of everybody who appeared before that committee and the overwhelming response that we have had from our private talks is that this bill is a bad bill. We are going to suffer for it. We will spend the next several years trying to change it. It should not be going through. I cannot, for the life of me, understand why we had such totally closed minds on the part of government members on this legislation.

I think it is also reasonable to ask once again, as we did at so many of the committee hearings, why was it that in hearings on the doctors' extra-billing the Liberal members on that committee of this House insisted that every single doctor who wanted to be heard by that committee be heard? Not one single doctor, even as an individual, would not have a hearing. But when we got before this bill dealing with workers' compensation, we moved time and again to try to give the 310 groups that made application within the time frame of the advertisements put in the newspapers by the government to have their cases heard, and the members refused to let them all be heard. Actually, slightly less than half of them ever had their day in court.

Interjections.

**Mr Mackenzie:** The government members can shout all they want, but those workers know that. They know how they were done in by this government. They know it seems to be now a pattern of getting done in by this government. They obviously do not have the financial

resources to answer, like some of the government's other friends in Ontario do.

I think this bill is a disgrace. Jamming it through this House is a disgrace. It is a bit of history, unfortunate history, being made tonight, because it is probably the last time members who desperately want to fight a bad piece of legislation will ever again be able to do anything to hold up, slow down or delay this kind of bad legislation. The government has simply decided, through its House leader, that the one and only answer in Ontario is the iron fist to stamp down the opposition.

That is what is happening. That is what will happen with a closure motion tomorrow. It is a disgrace and it is a sad day for Ontario that this is happening here this evening.

2200

**Mr B. Rae:** I want to start by paying tribute to my colleagues who have fought this legislation so long and so hard. In particular I want to congratulate my colleague the member for Sudbury East, who really has done a remarkable job at presenting our case, the case of working people, against what this government has done.

The member for Sudbury East comes to this House as a new member, who was given the responsibilities for workers' compensation and really has done just simply an outstanding job on behalf of her constituents, the members of our party and of our movement. As leader, I want to pay tribute to her and to all my colleagues who spent so much time on this bill and have made such an effort to get the government to change its mind.

If I may, I want to combine in my remarks this evening a bit of the personal together with the analytical. It was as a young law student 15 years ago that I first worked at the corner of College Street and Dovercourt Road in the Young Men's Christian Association and, ironically, where I first met the now member for Dovercourt (Mr Lupusella). We worked hard on behalf of the Union of Injured Workers and developed a program together with the Union of Injured Workers against the Workers' Compensation Board.

If I can say so, few things annoyed me more this week than when the Minister of Labour said those who were opposed to this bill were somehow in favour of the current system or of the current board. With the greatest of respect, as we say, to accuse those of us who oppose this bill as being in favour of the current system is an affront to everything we have fought for on this side and



everything I personally have fought for in the last several years.

From the very first evening that I spent talking with injured workers on the second floor of that YMCA, going over their cases with them and preparing them for appeals to the Workmen's Compensation Board, as it then was, nothing in my experience convinced me more of a very few simple facts.

First, the system does not work to the benefit of injured people. Second, the entire system essentially is rigged against working people. Third, the party in power—at that time it was the Tory party—was utterly hopeless on the question of the reform of the worker's compensation system. Finally, a very profound feeling I certainly have is that the labour movement and the New Democratic Party have a moral obligation to defend the interests of injured people.

I can remember the very first person I met. I will not say "case," because it is a person whom I can remember vividly. He was from Uruguay, in his early 20s and just about my age at that time. He was missing three fingers on his left hand. I asked him how it happened. He said he had been in the country for two weeks when he began working in a furniture factory, at that time making, I would suppose, \$1.50-\$2 an hour; not very much more than that. His first experience working in Canada, after being there for two weeks, at a machine that was not being properly operated, where the guardrail had been taken down off the machine in order to speed up production, his introduction to Canada was to lose three fingers.

From that night—and I remember well that it was a September night in 1974—to this day, I can honestly say that I have encountered few injustices as great as the current system of workers' compensation in this province. It is a system that treats people like things. It is a system that denies people benefits who have to struggle for years to get them. It is a system that forces people to go through all their health records, their psychiatric records and all their personal lives in order to get any kind of supplement from the board. It is a system that forces people to basically beg, to go back again and again in an effort to increase their pensions. It is a system that works enormous injustices against working families.

The cases of people who are denied, the accidents that go unrecognized, the experiences we had through the 1970s with asbestos workers; where my colleague the member for Scarborough West (Mr R. F. Johnston) I know will be talking

later on about the experiences he has had as a constituency assistant to my very distinguished predecessor, Stephen Lewis; where we worked hard as a movement in order to get claims recognized; where we have had whole industries of which we can show that the record is there, that the incidence of cancer is higher in those industries than anywhere else in the province; again, claims unrecognized for a generation. Whether it is gold miners in 1987-88, whether it is asbestos workers in the 1970s or workers in the 1950s and 1960s with silicosis, the pattern is exactly the same.

The facts speak for themselves. Indeed, if I can refer to the good city of Windsor, I have had some extremely moving meetings with injured people in Windsor from the Bendix plant. My colleague the member for Windsor-Riverside (Mr D. S. Cooke) has introduced me to many people, cancer victims, people with problems with silicosis, people who are suffering from very serious diseases which are linked to the industrial process, linked to the way in which we produce goods, the way in which we produce wealth. People get sick producing wealth in this country and in this province. That is the tragedy of our time and that is the central tragedy which workers' compensation was supposed to deal with in 1915.

If I can leave the personal, I will be coming back to it in a moment. Perhaps it is not leaving the personal.

At the same time as I was arguing cases back then, I was taking law; I survived law school. I was studying the question of the development of workers' compensation and the history of workers' compensation. It is a fascinating subject.

In the 19th century, we did not have a workers' compensation law in Ontario; we had the law of master and servant. You can say one thing for the Victorians: They may not have told it like it is when it came to sex, but when it came to industrial relations, they definitely told it like it was.

They described the law of master and servant. Under the law of master and servant, Mr Speaker, as you well know from your legal experience, a worker had to establish many things at common law before he could sue an employer or sue anyone for an injury he had suffered. The injury he had suffered would be covered under the general law of torts.

There were many defences a person would have in response to a charge or a dispute with respect to the cause of an injury. The employer could say, "It was your own fault." The employer



could argue, just as we do now in car accident cases, that the fault was shared or that the worker took responsibility for his own decision to work in a dangerous situation and it was his own fault for the injury, or you could force the worker to sue one of his fellow workers. So you would have the absurdity in a factory situation of individual workers having to sue one of their co-workers because of a problem they had encountered.

## 2210

It was in response to this conflict between the growing industrialism and the growing dangers that people faced in an industrial situation in Ontario at the turn of the century; the contradiction between that and a legal system that was based on a series of fictions which obviously just did not apply to an industrial situation. It was absurd to say that the only way a worker could ever get a benefit or an insurance plan of any kind would be to sue one of his fellow workers. His fellow worker did not have any money. What was the point of suing a fellow who was working on the bench next door if at the end of the day you could not collect?

This is the system, this is the crisis, this is the contradiction which led in Canada, in the United Kingdom, in Germany previously under Bismarck, of all people, and in the United States to the reforms of workers' compensation. It was a reform that was joined together in the industrial world. Each country took a different route. The Americans preserved the need to sue and the right to sue; the British preserved the right to sue. The Germans and the Ontarians abandoned completely the right to sue, so there is a certain simplicity to the Ontario system.

It was Chief Justice Meredith at the time who was appointed a royal commissioner and reported in 1915. He determined that the system needed a change. He was the one who under the Tory government at that time brought in the major change to workers' compensation, which really revolutionized the way in which benefits were paid in Ontario.

It is this change which I have called the creation of a new social contract. I want to outline exactly what I mean by that, because I think it is important for members to understand why this law is so unacceptable. It is unacceptable for one simple reason. In 1915, the workers of this province gave up something. One may say they gave up something which was not that important, but to them it was, because they gave up the right to sue, the right to take their employer to court and their right to damages at civil law; damages, I might point out, that they

would have had going back to medieval times in terms of the law of torts and the development of that law. They abandoned that right; they gave it up. It was taken away from them by legislation.

In exchange for giving up that right, the workers of this province achieved something else, a scheme of insurance that would be financed by a levy on employers, but which would give them certain rights contained within the law.

That is the story of our first workers' compensation legislation. The principle behind that change in 1915 was that it was based on a contract to which all the partners in the industrial system at that time agreed. Some employers quibbled and some employers objected to the new system. It was regarded as an incipient form of socialism, and some regarded it as an offence to their notions of freedom of contract as they understood it in the 19th century. But most employers recognized that it was a rather cheaper form of insurance than they might otherwise have had to pay.

So you have that on the one hand, and you have on the other hand an agreement by organized labour at that time, by the affiliated trade unions of the American Federation of Labour, the small crafts that came up into Ontario at the end of the 19th century and began their process of social activism in this country. They agreed to the change; they agreed to the new social contract. The government of the day agreed to the new social contract. It was confirmed in the election 1919, the election of the farmer-labour government under Premier Drury. It was confirmed as a social contract.

There were problems with it; there were arguments about it; there have been fights with the system and within the system. But the fundamental fact, the historical fact of the foundation of workers' compensation, is that it was not foisted on anybody, it was agreed to by all the partners in the economy, by all the partners in society. That is a fact.

Another fact which is important, which has to be said, is simply this: The fact of the matter is that no change has been made to the law since 1915 which did not have the support of all the social partners in the system. There have been some objections from time to time from those of us who wanted it to go more quickly.

I can go over my own experience since 1974, my own personal experience as somebody who was active in the field of workers' compensation, as somebody who worked as a member of Parliament, naturally, with many constituents,



and since 1982 as leader of our party. There have been many times that I have been very critical of the board and very critical of the pace of change. But I can also say that we have not made changes to this law which were unacceptable to one of the major social partners in this province.

As much as this debate is about any of the details of the legislation, which have been analysed so brilliantly by my colleague the member for Sudbury East, that is, if I may so, secondary and derivative of the very first argument I want to make, which is fundamental: No government—I do not care how large a majority it may have—has a right to change the social contract with respect to workers' compensation against the will of the working people of this province. That is fundamental.

The Minister of Labour has said on a number of occasions that whenever he sits down with working people he magically dispels any notions or ideas they may have with respect to this legislation. I do not know what kind of cloud-cuckoo-land the Minister of Labour is living in, but it is really profoundly offensive to the collective experience of the working people of this province to make that statement.

Let's deal with this with some sophistication. In every local union there are a dozen people who know more about workers' compensation than virtually any member of this Legislature: Local 6,500, Local 222, Local 200 in Windsor. Name any major locals in this province that we know of, of different trade unions, any of the locals the members will know in their own constituencies. They all know who these people are, know that there is a group of advocates who know the Workers' Compensation Act inside out. They have to. They live with it every day. Their brothers and sisters are getting killed on the job. They are the ones who are among the 400,000 claims put forward every year.

They know the law far better than any Liberal backbencher. They know the law far better than most of us, because they live with it. For this minister, who I would suspect has never in his life been in front of the Workers' Compensation Board as a member advocating on behalf of anybody, to suggest that a Jim Crocker or any of the activists in any one of the unions somehow know less about this law than he does, or are somehow going to be magically convinced by a conversation with him, is simply an affront. It is a frivolous attitude which really one cannot understand.

The very least we can expect from the Minister of Labour is for him to recognize and state

publicly and categorically that he disagrees with people and that people disagree with him. But he somehow has to come to grips with this simple fact, that what he is doing is contrary to the wishes and the will of the working people of this province as it has been expressed, not simply by one group, leader or group of leaders but in masses of meetings, literally hundreds of petitions that have been signed, thousands of letters, in statements that have been made by local labour councils, by local labour leaders, by injured workers' groups, by all these people throughout the province.

There is a reason they are opposed to this bill, and I want to come to that. But the first fact I want to emphasize again is that they are opposed, and that this government has gone ahead despite the fact that the major beneficiary of this legislation—that is to say, working people—and their advocates have been completely ignored.

Again, the member for Sudbury East has gone through the chronology of how the bill came in, and I do not want to go through that again. I do not want to go through the charade we had to go through in order to get the minister to bring in hearings; the difficulties we had in getting all the people heard; the fact that there are still hundreds of groups which have not been heard.

But I do want to say, Mr Speaker, very directly to you, and to the House and whoever may be watching this program, that there is a foundation for this opposition. It is not simply frivolous. It is not based on a simple sense of nostalgia for what was. It is not based on a loyalty to the existing institution. When the minister says that those who are opposed to what he is doing are in favour of the status quo, again, he completely and profoundly misunderstands the nature of the opposition to this.

**2220**

It is studied. When you have somebody like Linda Jolley, who was the researcher for Stephen Lewis all the time he was working on asbestos, and who is now the occupational health and safety director of the Ontario Federation of Labour, outlining very carefully and in such detail the reasons for her opposition, the Minister of Labour has a colossal nerve to say that somehow this is based on some frivolous misunderstanding or based on some affection Ms Jolley has for the status quo in Ontario. He just totally misunderstands the nature of the opposition to what is going on and why people feel as strongly as they do.

Let me put it another way. Workers' compensation is something that belongs to workers. It is



something they feel in their bones, because they know it is the system of insurance that is going to affect them. I say this in a sense self-critically. I am never going to have to worry about workers' compensation, Mr Speaker, and neither are you and neither are most of the members of this House. The vast majority of members of this House are never going to go down to the Workers' Compensation Board and argue about themselves, about their case.

It is a system that belongs to working people. It does not belong to the companies. The companies pay for it, and they are annoyed when their rates go up. Given the bottom line, the nature of our economic system, that is perfectly understandable. But, again, the personnel manager at Stelco works does not sit up late nights worrying about whether he is going to be able to win a compensation case affecting himself.

The president of Inco, in his office in Toronto or New York, never has to worry about whether he is going to get a pension for the cancer on his lung. The president of a construction company—if I were to name a name I would be accused of being inflammatory, but I will just say the president of a construction company—never has to consider whether his back is going to go out at age 50 and whether he is ever going to be able to get another job for the rest of his life. That is a fact.

The critical difference between those people and the working people of this province, between all of us and the working people of this province, is that we are talking about a system for other people, and they are talking about their system. They are talking about their system of insurance, which matters to them because it is the difference between having a house and not having a house. It is the difference between having a job and not having a job.

Workers' compensation is the barrier, the protection, for working people against the real indignities of poverty and welfare. We all know that. I can remember that during the recession—I am sure every member here remembers—we suddenly had a burst of people coming in with old pension claims. They were saying: "Can you get me reassessed for my pension? I don't think the pension is high enough." I said, "What's happened?" He said, "I've lost my job." It is an economic problem.

The nature of that system is that it belongs to working families. It is their system. That is what is so horrible about what this Liberal government has done. They have said: "We don't care if it's your system. We're going to do what the

employers want. We're going to do what the government bureaucrats want. We're going to do what the WCB bureaucrats want to do. We're not going to do what you want to do."

That is the central scandal of this bill. The central scandal of this bill is that it is written in the interests, not of the people to whom it belongs and who are affected by it but in other people's interests. The minister is doing it because he thinks he knows better. He thinks he knows better. He thinks he knows how the system works better than the people who are on the line every day fighting the system. He thinks he knows that better than other people, and I think that reflects an arrogance which is really unseemly in a Minister of Labour.

I would have thought that the very simplest act of humility for anybody would be to say, "Well, let me walk for a while in your shoes and let me listen to what you say." If the labour movement says, and it is not just a few leaders but is a general sense of consensus that this is not the change people want, what is the big deal about saying, "We'll go back and we'll talk to the people who want a different system and we'll work it through"?

Why is that so difficult? Why is it so hard for the Minister of Labour to do that? Why would it have been so difficult for him to have really made an effort to create a system that was based on consensus and say to the working people, "Look, you're not going to get everything that you want this time—no government has ever done that—but the progress we make is going to be in the direction that you want to go"?

That was done by previous Tory governments. We did not agree with all the changes that were made—we wanted to see more—but at least we were going in that direction.

Instead of that, we are going in another direction; we are going in the employers' direction. We are going in the direction that is wanted by the bureaucrats at the board, by the policy experts, by the policy advisers in the Ministry of Labour, not by the people who are on the line every day and certainly not by the people who are affected by the legislation.

That is the central debate we are having here, and I do not know what the government plans to do in terms of when it is going to move closure or if it is ever going to move closure; I have no way of judging that. Let me state the obvious: The government has a rather larger number of members than we do. Let me again state the obvious: If the government is absolutely bloody-mindedly determined that this is the way it is



going to go, at the end of the day we recognize that force of numbers but, if I might say so, not without an argument.

Let me make the argument on the basis that has been presented already, but let me just sum it up as I understand it and as I feel it and as I see it. The first premise of the bill is to change a notion of a pension which is something which is secure and you know you are going to have—even if it is not very big, at least you know you have it—combined with a supplement system, to the welfare system, which has been well described by other speakers.

The premise of the welfare system is that again the bureaucrats will know best. They will have a book and they will determine exactly what it is that you are entitled to and how much you are allowed to make and how much you are not allowed to make. They will have a little pension there that you can get that will come out in its commuted form, it will be a cash settlement which you will get as soon as you are pensioned off, and everything else you will basically have to fight for.

I think the problems with this system have been well described. The point I want to make is this: The government makes a very big deal about the fact that in bringing this legislation forward, Ontario is doing exactly the same as other provinces and really we are just sort of falling in with the other provinces. Let me again say very clearly and categorically that we should be learning from those other provinces. We should be learning from the mistakes that other provinces have made, and we should be learning from the voices of those who have complained about the experiences in Saskatchewan and the experiences in Quebec.

I know it will be said, perhaps not today or tonight but perhaps on other occasions, that it was the New Democratic Party in Saskatchewan that brought in the dual system in Saskatchewan, that brought in the system of making the pension a dual system, a little bit for the permanent disability and more depending on what you were deemed to be losing economically. And I will say, let us learn from the Saskatchewan experience.

I have talked to my colleagues in Saskatchewan, as has my colleague the member for Sudbury East. We know now that the Saskatchewan Federation of Labour and working people in Saskatchewan want to see a different system. They do not want this system.

We have not learned from that. We have not learned from that mistake. The former Deputy

Minister of Labour, Bob Sass, who is a very well known advocate on behalf of people who are suffering from industrial disability, has stated that if he had to do it all over again, he would do it differently.

That is an experience we should learn from. I do not mind saying, "Sure, at first blush you think you've got a good idea, then it turns out not to work quite as well." Surely Ontario should be learning from that, not simply saying, "We'll rub the NDP noses in this one, because they got it from Saskatchewan and it was their idea first." I do not mind arguing about that. I do not mind learning from that experience. I do not think anybody should.

I do want to say that the central argument has to be made again and again and again. The workers of this province have not fought workers' compensation for 70 years to have it replaced by a scheme of welfare foisted on them by the Liberal Party of Ontario. That is not what the central battle has been all about. The central battle has been about improving the system and making it better, not making it worse.

2230

The Minister of Labour makes two other claims for this bill which I think need to be addressed very directly. The first claim he makes is that it contains a significant commitment, on the part of the board, for rehabilitation. The final claim is that it contains a significant right to reinstatement. I want to discuss both of these so-called provisions of the bill.

The first, with respect to rehabilitation: We had the Majesky-Minna report, which has been referred to by many of my colleagues, and we had clear statements by Mr Majesky about how many of his proposals have been accepted by the Liberal Party. The figure that occurs to me is an 87 per cent rejection rate by the government. That is a fact.

The minister has complained to me—I have said it in the House and would say it outside and anywhere—that when I saw him on television saying, "This is the first piece of workers' compensation legislation that contains the right to rehabilitation," I said that is not true; that is not the case. He turns around in the House and says that was only part of the overall statement he made to that gathering.

I can tell members, if that is the sort of thing the Minister of Labour was saying to injured workers across the province, then no wonder some of them are saying, "If the bill contains a right to rehabilitation, maybe it is a good thing." It just is not the case. The bill clearly sets out the

fact that the board, in its discretion, will decide not only what course of rehabilitation is appropriate but also whether or not a worker should be rehabilitated.

We know the scandal that is associated with the lack of rehabilitation for workers today. Knowing the board as I do, I can tell the minister that unless he changes the law, the fundamental rights and the balance of rights between people who are injured and the Workers' Compensation Board, we will be no further ahead tomorrow or in a year's time than we are today. We will be in exactly the same position, with people struggling and fighting; we will have rehab workers and counsellors with so many cases that they will say, "I'm sorry, you don't qualify." Why do they not qualify? Because it is not bureaucratically possible or convenient for the board to rehabilitate.

The question of rehabilitation will depend on the board's capacity to do it and not on the worker's right. That is the distinction. The minister either grants a right to rehabilitation or he does not. As long as he leaves it to the discretion of the board, there will be all kinds of factors. The board will say, "We can't afford it." What does that mean? "We cannot get any more money out of the employers." That is what we are left with. This bill leaves the matter of rehabilitation for workers who are injured in the hands of the board, not in the hands of working people and of the people who are arguing on their behalf.

I can tell members that when I write to the board suggesting that a worker should receive rehabilitation, the board can give me exactly the same answer if this bill becomes law as it could today. There may be more rights to appeal and more rigmarole to go through—one may have to go through two or three more processes before getting there—but at the end of the day the board will still say, and how many times have we heard it: "This individual is not co-operating. This individual cannot be rehabilitated. This individual is unemployable." The same nonsense will apply.

Out of respect to those people who are working hard in the bureaucracy of the WCB I say, if there are 100 or 150 people whom the board is trying to help, the 30 or 40 hardest people are going to go to the bottom of the list. Of course, that is the way the system operates and the way it works. What can the law do for those people? If the law cannot say, "This worker has a right, and the board has an obligation to rehabilitate," then there is no leverage and no way in which the worker can claw back and say, "This is what you have to do."

That is the way we work it, that is the way the system has been decided to be worked. I can tell members, all the finery in the world is not going to change anything unless we change that fundamental legal relationship between the board and the individual worker.

The last point is on the right to reinstatement. Again, I do not want to go through all the arguments that have been gone through so brilliantly by my colleagues, but I just want to say this: The right that is supposedly contained in this law is so full of limitations and difficulties of making it work that really it does not go anywhere near as far as it could. But let me say this very clearly: If this bill contained only this section on reinstatement, I would say it is a little bit better than what we have now. I think the minister could convince the labour movement that it is better than nothing; it is better than a kick in the teeth.

I would say to the minister that if I were offering him an olive branch of any kind tonight, I would say let's look at these sections and see if we cannot work harder in getting a consensus, but for God's sake forget about the welfare scheme; that is the bottom line that just is not going to work, and not going to be accepted by people.

These are things that have not changed. I can remember demonstrating outside this Legislature in 1975. It was a fairly vigorous demonstration, as I recall, people were carried off the steps, there were people waving their canes and there was as much conflict, I might say, as there was in the demonstration we had right outside these doors just a few months ago. One of the great criticisms we had was the question of board doctors. The power of doctors at the board is quite extraordinary. They have the capacity to decide almost unilaterally what the value of an injury is.

The minister has boasted that he is getting rid of the meat chart system. That is not true. He is maintaining the meat chart system exactly as it is today. The only difference is that the value of the pension you get after you have been charted on the meat chart is less. That is the only thing, the meat is worth about 10 per cent of what it was before. That is the only difference. It is a smaller chart, but if you look at it with a microscope it is the same chart. You are still going to find that a finger is worth so much, a hand is worth so much and an arm is worth so much.

This chart, which I would remind members, I am sure they realize it and perhaps it is appropriate as we come up to 14 July, dates from the Napoleonic Code. It is a chart which has a



very ancient status in our practice, and it is a chart which is the basis of the power of the doctors at the board.

I have had so many arguments with board doctors over the years that I find it hard to know where to begin, but I would say this: I would be far happier if the board abandoned its bureaucracy entirely with respect to the medical profession. Personally, I would be far happier if there were no such thing as an employee of the Workers' Compensation Board who was a doctor. I would be far happier if examinations were performed by physicians and specialists who are entirely independent of the board, and the board had to make up its mind; if it objects to somebody, if it says, "We think this person is too favourable to the worker," or "We don't think this person is objective enough," then let's get two or three other assessments.

Where is the onus now? The onus now is reversed. You have a board doctor who gives you the bottom line: 10 per cent, 15 per cent, 20 per cent. All of us have been through this experience. We have had people come into our offices who are badly crippled up; they can hardly walk or hardly move and they have a 50 per cent disability. They are getting a 100 per cent disability from the Canada pension plan, they are effectively unable to walk or to move, they cannot work at all and they are labelled as 40 or 50 per cent disabled. It is ridiculous. Then they get a full pension from the Canada pension plan because they are said to be totally disabled from work.

**2240**

This system is run by doctors for doctors. If you object to that, you have to go to your own doctor, then you get another specialist and then you file an appeal. Basically, the board is dependent and very reliant on the information it has before it. People you see in the cafeteria every day—the whole structure of the board is there—are the people whose opinions are valued. Other opinions are devalued. I know and every member who has ever done an appeal and looked at a file knows.

You have all kinds of comments made about such and such a doctor. I have argued before the old compensation board, before we had WCAT, and one of the appeal commissioners said to me, "Well, we all know Dr So-and-so, Mr Rae; he always gives the benefit of the doubt to the worker." I said, "It's funny you should mention that, because that's what the law in fact asks every doctor to do." He said: "Well, that's not

exactly what I meant. I meant the system was really not working." I said, "I get the picture."

I think that bureaucracy should be disbanded. Look at the fights we have had over asbestos and over cancer in gold mining. They are exactly the same. We have had the same disputes and arguments over and over again. We literally have to pile the bodies up at the door. We have to put in the statistics. We have to have the cases come forward. Then finally they say, "Well, I guess there is a problem here." All of a sudden, something about where 20 years ago they said there was no connection, 20 years later they say, "Yes, maybe there is a connection."

If you look clearly and categorically at how this system works, it works against working people. The minister might say to me today: "We're going to bring in a bill which is going to set up a structure that will be independent of the medical profession. The medical profession will be there to be consulted by people who are injured, to be consulted by other people and there will be arguments before the board, but we will not have an advantage given to one as opposed to the other, we will not have a benefit given to one as opposed to the other, we will not argue on behalf of our own bureaucracy in the face of the interests of workers." If we had that kind of suggestion from the Minister of Labour, we would say: "We're making progress. We're moving in the right direction. It's not everything we want, but it's better than nothing at all."

There are workers who are on supplement after we had managed to effect a little bit of reform in the law, older workers who were injured and have had bad backs. Then the board came down last fall and said, "No, we can't award any supplements any more because we don't think the foundation in law is strong enough."

The Minister of Labour could have come into the House and said: "The Workers' Compensation Board says the law isn't strong enough on the question of supplements. I'm going to bring in a change that will make it very clear on behalf of workers just what we think those supplements should be." That would be the direction to go: Look at the problem, identify the problem clearly, assess the problem clearly and then respond to the need as it is expressed by injured people, not as it is expressed by policy experts who look and say, "Let's create the system which is, in a Cartesian way, the most rational possible system we can have," people who have never appeared before a board in their lives.

That is what they have created; not a system based on the interests of working people, not a



system based on the interests of those who are affected by the system, but a system designed to aid employers, designed to aid the bureaucracy, designed to make the system ultimately cheaper, not cheaper in the shorter term—I am prepared to accept that it is revenue neutral, as the minister keeps on saying—but in the longer term. Over time, it will definitely mean less money going out to workers. Why? Because the bureaucrats and the companies have determined that somebody out there is overcompensated.

That is a concept I would like to dwell on for just a few moments, this notion of overcompensation. Who is overcompensated? Who are the people out there in receipt of a pension who should not now be in receipt of a pension, or similar people who will not now be in receipt of a pension?

I will tell the members who they are. They are people who work through pain every day. They are people who get up in pain, who are disabled with their pain and who work through that pain. They are people who may miss days, not weeks, at work from time to time. They are people who have suffered enormously because of the experience they have had.

Let's say they have a 20 per cent, 25 per cent or 30 per cent pension; it may be for a back disability or because they have been particularly badly crippled at work. Let's examine exactly who these people are. Let's take a 50-year-old worker. Maybe the boss does say, "Okay, we understand and we'll make some allowances because of your situation." Maybe it would work out that way, and that person would still receive a decent wage and, yes, he would receive a pension. That is the person about whom the board, in its wisdom, and the minister, in his wisdom and experience, say, "That person is overcompensated."

That person will receive less—not the same person, because I am not alleging that anybody's benefits are going to be taken away. I am simply saying that a similar person post-1989 will be affected very directly and very dramatically, because what will happen now in the system is this. Instead of working through your pain and getting a 20 per cent or 25 per cent pension, which is a sizeable amount of money every month—nobody is disputing that—what happens?

The farther away from 45 you are, the less you are going to get. If you are up there in your 50s, you are going to get a whole lot less in terms of a pension, and the actual dollar amount that you get will be very, very much less. Everything else you get will depend entirely on your going down

to the board, your relationship with your employer, your establishing what your T4 was for last year and your working through almost on a daily basis in terms of your income loss and income gain roughly what that is deemed to be worth.

I ask members to compare that situation just from a practical point of view. They should put themselves in the shoes of that worker who constantly has to show and to prove what he is worth. Instead of having a normal give and take relationship with an employer about a day off here and there because of the pain, the employer will be much tougher. He will say: "Look, I don't have an obligation to you. You've got this scheme at the board now where if you are out on the street, you may be able to get a little bit more from it." I think it is going to decrease the sense of obligation and give and take in the workplace between the older worker and the employer.

We hope that in an economy where there is relatively full employment there will be that kind of give and take and that kind of understanding, which is frequently there. Not every workplace is a place of horror or terror; sometimes there is a good understanding about everybody trying to pitch in for somebody who is not quite up to it.

That will change because the ideology out there now is that we have a welfare scheme. Employers will say to themselves—and I do not think I am projecting any scenarios that are not accurate: "No. We don't feel that sense of obligation. Go out and get yourself a little extra pension from the board. We're not going to do it for you." That is what will happen.

I suggest that in the brave new world of David Peterson's Ontario, older workers will be worse off. The demands on them will be even greater, and they will be in a much tougher situation. If members look at the balance sheet on this legislation, look at what it has promised it will do and what it actually has done, I think the kind of activity, the kind of feeling which the labour movement has, which our party has, and which all of us have tried to express as best as we can in opposition to this, is fully justified.

**2250**

Let me just sum up what I have said because I think it is important that it be understood. People who are seeing us are perhaps asking, "What's going on?" I have been away on the weekend and people are asking: "Are you still sitting? Why are you sitting?" I talk about the workers' compensation system, and then everybody says: "Yes, that's an important system. What happens on workers' compensation is important to me."



I just go over it again and very clearly state what the problems are and how they have been experienced. The first fundamental fact is that the system replaced rights which workers once had in law. Those rights gave any person the right to sue any other person for an injury, based on the simple system of torts; based on the simple rights that you have. If somebody slugs you in the face, you have the right to bring an action against that person.

These are basic civil rights which workers had. They had a very important civil right: difficult in all cases to make it practical, difficult in all cases to make it real, but still profound. The entire 19th century system of jurisprudence, of insurance, of private insurance, was based on that right.

I am told that Abraham Lincoln made his living arguing insurance cases with, for and against railway companies in Illinois, based on the rights of people to sue who were affected by accidents and injuries in the workplace and by accidents and injuries outside the workplace.

When workers lost that civil right, they exchanged that civil right for something else: a system of insurance. That system of insurance was designed to broaden the pool of people who were covered and to take away all the previous defences against some action, so you did not have to prove negligence or establish that you were or were not at fault.

It was a no-fault scheme, to use the language of the debate that we are now having about car insurance, and it was a scheme which ensured that although you might not win the jackpot, you might not win the lottery, you might not win the million or billion or multimillion dollar suit, you would at least be guaranteed something.

That system of insurance was designed for working people and was taken away from them. It is fundamentally for that reason that we are opposed, because this Liberal government has broken the social contract with respect to workers' compensation that has been in place for 70 years.

What have they replaced it with? A system devised by employers and bureaucrats; a welfare system where the president of Stelco will never have to go down to defend his rights, but where workers will be down every day having to defend their rights; a system where the minister says there is going to be rehabilitation and there is not going to be a guarantee of rehabilitation, where he says there is going to be a right of reinstatement and that right is completely limited and where the power of the bureaucracy of the

board and the power of board doctors is maintained.

I said at the beginning that this is a very personal issue for me, and it is. I think it is fair to say that my experiences with workers' compensation early on in, I guess you could say, my politicizing life, or my political life broadly, had as much to do with my political philosophy as anything I ever studied at school and as anything I encountered anywhere else.

To me, it was a system which was a fraud. It was a system which took things away from people: their rights to happiness and their rights to a good life. While we all know that the world is not a fair place, that life is not fair, that injuries, accidents and illness can occur to people at any time, however young or healthy they may think they are, nothing we can do in this life can take away the pain entirely and nothing we can do for the widows of the miners who worked underground for 50 years can ever bring them back. No political system that we can create will ever take away the sadness in the eyes of a child who has lost a father.

But we can create a system of insurance that is better than the one we have, we can create a system of insurance that speaks to the needs of justice of working people, we can create a system of insurance that gives people a chance. We cannot make everyone whole, we cannot make the world fair at all times and in all places, but we can do a lot better than the Liberals have done with this bill.

**Mr Speaker:** Any other members wishing to participate in the debate? The member for Nipissing.

**Mr Harris:** I am convinced. I am going to oppose this legislation.

**Mr Speaker:** The member for Hamilton Mountain.

**Mr Charlton:** We very much enjoyed the contribution by the member for Nipissing.

Perhaps some of the members of the Liberal caucus have finally come to the conclusion that the members of this caucus are very serious about this piece of legislation. We are not here for a good time this evening; we are here for a long time and we are here for a long time for a reason. I would like to do basically two things tonight in my speech.

One is to relate a little bit of the history to some of the members of the Liberal caucus who obviously, by their comments and interjections here in the House tonight, have displayed a rather significant lack of understanding of what led up to this debate and a lack of understanding of the

basic legislative process around this place itself, Mr Speaker, a process which you are very familiar with.

**Mr Furlong:** And you are so impressive you're driving your colleagues out of the House.

**Mr Charlton:** Listen, if the members of the Liberal caucus wish to natter on, it will only take longer. If they will sit and listen, they might in fact learn something.

One of the very, very stupid comments that I heard repeatedly here tonight that needs some response is that because this bill was introduced a year ago and has been before this assembly for a year, somehow that makes this piece of legislation appropriate and worth passing.

It is beyond my imagination to understand how anybody can conceive that because the bill was introduced in June 1988, somehow automatically in July 1989 the piece of legislation is ready to become the law of this province. Here commences my history lesson for the purposes of some of the new members of the Liberal caucus just elected in the last election.

The first time I ran was in 1975. In the period just leading up to that election, the then Minister of Labour, Bette Stephenson, the minister in the former government a couple of times removed, since there were several Labour ministers after her, but the Minister of Labour at the time, in 1975, was in the process of conducting province-wide public hearings on occupational health and safety before, not after, the development of legislation.

**2300**

Mr Speaker, as you will well recall, unlike many of your colleagues, the process around the Occupational Health and Safety Act from the commencement of the minister's public hearings to the passage of legislation was a four-and-a-half-year process. We ended up that process with a piece of legislation that was substantively good. It was not perfect, and we have had to make amendments to that since that time, including Bill 208, which is also currently before this House.

We ended up with a piece of legislation that had some things in it that the Conservative government did not want in it. We ended up with a piece of legislation that was missing some things the New Democrats wanted. We ended up with a piece of legislation that, for Liberals, had some things in it that they did not want, and some things were missing that they thought they wanted. But we ended up with a basic, workable piece of legislation that we have since been able to refine and make better even yet.

That was a major piece of social legislation that had a significant impact on the province of Ontario. This Legislature took the time, including the hearing process, to spend four and a half years on that piece of legislation. This bill we are dealing with here tonight is no less important.

In the same era, members will recall that we also passed, in 1978, the Family Law Reform Act; again, not a perfect piece of legislation at the time we passed it. We have since had to amend that legislation twice, and I have no doubt, in the process of trying to make it even better yet again, that we will have another go-round at the Family Law Reform Act some time within the next five years. But in this Legislature, as members will well recall, including the hearing processes, we spent two and a half years on that piece of legislation.

How is it that here tonight, because we have had a piece of legislation before us for a year, a piece of legislation on which there was no prior consultation, there were no public hearings as I described around the Occupational Health and Safety Act—and at the public hearings we had around a piece of legislation after it was introduced, half of the deputants were never heard and those deputants that were heard have been ignored—there has been no intake into this legislation from that hearing process, none whatsoever?

History has always been a very useful tool, not only for reading and for exciting some students, but hopefully for societies and legislators to learn some lessons from. Again, I go back to 1975 and the first time I ran for this Legislature.

Just prior to the 1975 election—as a matter of fact, it was in the latter part of 1974—the member for Nickel Belt (Mr Laughren), now the chairman of the standing committee on resources development, set out as the chairman of the New Democratic Party of Ontario's first task force on reform of the Workers' Compensation Board. As a prospective candidate in the 1975 election, I attended those hearings when they were in Hamilton. These were hearings that sat in Hamilton.

This was a party task force. It was not a legislative task force around a piece of important legislation like Bill 162. It was a party task force trying to evolve policy around the question of reform of our workers' compensation legislation. That task force spent three days hearing submissions in the city of Hamilton. I cannot, unfortunately, relate its entire agenda over the entire province here tonight, but I attended those three days of hearings in the city of Hamilton.



That task force was an important task force and it was the first of two task forces this party has done on the issue of workers' compensation reform. It might do some of the members of the Liberal caucus some good to read those task force reports, not for the purposes of what should be in this legislation but for background. As the policy debate has evolved over the last 15 years, I would think many of the items in the original task force report are out of date now; they have been improved upon. It would certainly help some of the members in this House to understand where we have come from and, hopefully, where we should be headed in the future with workers' compensation in Ontario.

In the process of debate around workers' compensation reform, the members have heard a number of my colleagues refer tonight to the 1980 Weiler report and to the Conservative government white paper in 1981. Those reports, Mr Speaker, as you well recall, were reports that resulted from the debate that our first task force essentially started in Ontario. It is unfair to claim that we started the debate. The reality is that we put the focus on the debate that brought it into this Legislature, that eventually forced those two government studies to be done, one commissioned with Paul Weiler and the other a government white paper done, again, by bureaucrats, as has been suggested by a number of us here tonight about the bill that is before us, Bill 162.

Neither of those reports was acceptable to injured workers or to working people in general in this province. As you will again recall, Mr Speaker, the Conservative government of the day never proceeded with the legislation because of the opposition that was mounted by working people in this province and by injured workers in this province, and might I remind you, by the then third party in this Legislature and the official opposition as well.

I am not going to take the time of the House tonight, because I have too many important things to say, to start reading into the record Hansard quotes from Liberal members who are still resident in this chamber opposed to the very system that is being advocated by the Minister of Labour in Bill 162. It serves no useful purpose, because those who are sitting down at the far end saying "Go ahead" are not listening anyway. They gave up listening when they got their marching orders and they have not listened throughout the hearing process.

I was elected 12 years ago, in 1977, and since that time my constituency office has handled

some 4,000-plus compensation cases—it was 4,000 at the end of 1988; I cannot give the members an exact number up to date. We have handled over 400 appeals, and about 60 or 70 appeals that have gone to either the old appeal board of the Workers' Compensation Board or to the new independent Workers' Compensation Appeals Tribunal level.

In his comments earlier, my leader referred to this notion that has evolved, this notion that has been subtly stated but stated a number of times by the Minister of Labour, that there are a number of people receiving compensation benefits who are somehow overcompensated. I want to suggest that a review of the 4,000-odd cases that I and my staff have handled over the last 12 years, or if the members were to go into any of the legal clinics in this province or any of the trade union offices in this province, or any of the other members' offices, like the office of the member for Sudbury East or of the member for Hamilton East, members who have handled particularly significant numbers of compensation cases and had research staff review those cases, they would inevitably find that people we have dealt with in the workers' compensation system are not very much different than those in our other social structures in this province, in terms of abuse of the system, if you like.

### 2310

What you would find is that the abuse probably ranges somewhere between three per cent and six per cent of those who get compensation benefits in one form or another, whether it is temporary benefits while they recover from an injury or longer-term permanent partial benefits around a permanent disability.

If you take that three to six per cent into account, what you end up with is somewhere upwards of 94 per cent of the people who deal with the workers' compensation system in Ontario who are presently being badly served by the current system.

I ask the Minister of Labour (Mr Sorbara) and all of the members of the Liberal caucus to seriously consider the contradiction that is presented by Bill 162, and I am doing this in a very honest way. I want to read to the members a quote from Hansard—this is a current quote; I am not going back to the old days now—from the Minister of Labour made in this House on 17 May of this year. This is in response to a question from the member for Sudbury East, where the minister says:

"Let me just remind her that in the province of Saskatchewan a tripartite committee made up of



labour, management and government did a thorough review of the system and issued a report that said the dual award system was fundamentally sound. The changes they recommended to their system—and I remind the member that labour, government and management were the parties to the report—are very similar to the system that is currently being proposed in this province.”

I am not going to get into a major discussion about the Saskatchewan system, except to say that the minister's comments are incorrect, totally incorrect. All of the information coming out of Saskatchewan clearly says, as the member for Sudbury East has said and as my leader said in his comments, “unfavourable.” The New Democratic Party government in Saskatchewan made a mistake when it implemented the dual award system in Saskatchewan.

We do not want Ontario to make the same mistake. I do not want to have to still be here in 10 years standing up in this House saying, “I told you so.” It is the most frustrating comment any politician ever has to make, “I told you so.” We would much rather win the argument in round 1 and do it right for injured workers in the first place.

I have not finished reading the quote from the Minister of Labour. We are coming to the most important part of the quote now.

“When we pass this bill, we will be in a position in this province that we can finally respond to the real needs of injured workers in this province without spending ourselves to the poorhouse.”

That is the crucial issue in Bill 162, and the minister's last comment that I just read is a contradiction in terms.

I go back to my comments before I started to read the quote: 94-plus per cent of the people who are presently dealing with the injured workers' system are not being fairly dealt with by the current system—94 per cent. All of the studies indicate that.

Is there any Liberal in this House who can explain to me how avoiding spending ourselves into the poorhouse, how capping the money that is flowing through the system of compensation, in a system which is presently treating unfairly 94 per cent of those dealing with the system, is going to, as the minister says, respond to the real needs of injured workers?

In a revenue-neutral system, which the minister says this bill will create, it will not change the assessments, at least in the short run, to the companies, it will not change the size of the fund

and it will not change the amount of benefits that are being paid. What does that create? That creates a system much like the debates we have had in this House around property tax reform where there are some winners and some losers. But to balance the budget, to make that revenue-neutral comment of the minister's work, basically you have to have as many losers as you have winners.

If the total fund stays the same, revenue-neutral, for every injured worker who gets a fairer benefit, a better break, better rehabilitation, better pension, better wage loss supplement, whatever the case happens to be, for every worker who gets an improvement in a revenue-neutral system, there is going to be an injured worker out there who gets less.

Either we are only going to create improvements for two, three, four or five per cent of the people dealing with the workers' compensation system, or we are just going to change the place where the unfairness occurs for 94 per cent of the people presently on workers' compensation benefits or who will be in the future. We are just going to change the place where the pain and suffering occurs. It is going to be different people who get dealt with unfairly and inadequately.

That is all this revenue-neutral system can ever hope to accomplish. It cannot do anything else. All of us understand revenue-neutral budgets. If you do not get a pay raise, you cannot go out and do any more than you did last year. You cannot consume any more, you cannot pay your mortgage off any faster and you cannot provide better clothing for your kids.

A revenue-neutral piece of legislation around workers' compensation cannot make the workers' compensation system as a whole fairer for injured workers when 94 per cent of those who deal with the Workers' Compensation Board are unfairly dealt with in the present system. It is just not possible and it is time the members of this House started to think about that.

Bill 162 is a piece of legislation that is designed to eventually reduce the payouts by the WCB. It is a system that is designed to eventually, therefore, reduce the assessments to employers in Ontario and ultimately, therefore, to reduce the benefits that injured workers in this province receive.

That is the perspective from which you have to approach each and every one of the sections of Bill 162. One of the comments that I have heard from the minister repeatedly, and from a number of other members of the House here, is this comment about how inadequate the rehabilita-



tion provisions, the rehabilitation sections, the rehabilitation programs, of the WCB have been under the current legislation. The minister has said that the changes in Bill 162 are going to somehow make rehabilitation work for injured workers in Ontario.

Again, I have to put the question to the members of the Liberal caucus. The question is simple. If Bill 162 is designed to beef up rehabilitation, to make it work, to retrain workers to put them back to work, why on 1 January 1989, while we were sitting here considering this legislation, did all the regional offices of the WCB in Ontario begin the process of dismantling the rehabilitation sections? Go down to your local office of the WCB. Find out how many rehabilitation counsellors they had two years ago. Find out how many rehabilitation counsellors they had last fall. Find out how many rehabilitation counsellors they have on staff in June 1989.

The rehab section of the Workers' Compensation Board is being dismantled in preparation for the passage of Bill 162 because rehab under this bill will be at the total discretion of the board, and the board no longer wants to deal with rehab. It has failed in the past and wants to get out of things; it does not like doing things that it has not done well.

**2320**

The only way it ever could have done it well, as my colleagues have suggested, would have been to create a piece of legislation that gives injured workers who are unable to return to the job on which they were injured the absolute right to rehabilitation to some other gainful employment. As long as there is no right to rehabilitation and as long as it is discretionary, the WCB has no intention of providing effective rehab in Ontario.

Where do the minister's comments come from? I do not know. I can only speculate on that. Either the minister has been totally hoodwinked by the bureaucrats at the WCB or he just plain does not understand the workers' compensation system and the factual things that are happening right now in its structure, specifically in its rehab structure.

By the end of this year there will be no rehabilitation section left in the WCB. The minister can stand up in this House all he wants and rant about how he has dealt with rehabilitation in the bill and how it is going to make rehabilitation better, but the fact is—and I am glad to see the minister has returned—that since 1 January of this year, the WCB, in every regional

office across the province, has been dismantling the rehabilitation sections.

**Hon Mr Sorbara:** Oh, don't say that.

**Mr Charlton:** The minister should check his facts. I have checked. He has not.

There are only two rehab counsellors left in Hamilton and we used to have 15. The minister should tell me how those two rehab counsellors are going to provide all of the rehabilitation services he is talking about. He should talk to Sudbury about how many rehab counsellors are left in the rehab section. The whole place is being taken apart, bolt by bolt.

But Bill 162 is going to improve rehabilitation for injured workers in Ontario. I say it is bunk. Contradictions are not believable, they never will be and never have been.

When he was making interjections earlier this evening while my colleague the member for Sudbury East was speaking, the minister threw challenges across the House about getting unbiased legal opinions. I am going to suggest that those unbiased legal opinions already have been gotten by the hundreds, but I want to walk through it and talk about it for a few minutes.

Earlier, my colleague the member for Hamilton East was reading through excerpts from comments from public hearings. The minister was still in the House when he was reading and clearly heard the comments from the Law Union of Ontario expressing legal opinions in the hearings and from a number of legal aid clinics around the province that made submissions during the hearings. I want to deal with this question the minister raised about "biased" or "unbiased," and what the devil that means in this debate.

The minister has stood before this House on any number of occasions and told this Legislature and the people of Ontario that Bill 162 is an improvement; that it will be fairer for injured workers; that it will provide a better deal for injured workers and better protections for the working people of the province and any number of other things.

Let's think about who is biased in this debate. We have injured workers who oppose this bill, we have trade unions who oppose this bill and we have legal clinics and other advocates who oppose this bill. Now let's run through those three basic categories.

The injured workers who are out there: If this Bill 162 really provided improvements in the system, if this Bill 162 really was going to create a new, better and fairer system for injured workers in the future after the passage of the bill,

then perhaps it could be said that the already injured workers in this province, the injured workers who are part of these injured workers' groups that made presentations, are biased against the bill because they are not covered by it.

**Hon Mr Sorbara:** Yes, they are.

**Mr Charlton:** They are not covered by it.

**Hon Mr Sorbara:** Yes, they are.

**Miss Martel:** Only if the board shows them to be 100 per cent disabled, and the board never does.

**Mr Charlton:** That is right. The current injured workers in Ontario are not covered by Bill 162. The minister should not try to confuse the issue. They are not covered by the bill.

**Hon Mr Sorbara:** Read the transition provisions.

**Mr Charlton:** I can read the minister's remarks in response to my question in the committee. He answered the question already under questioning with his officials there. The answer is on the record. Injured workers who are currently injured in Ontario, with a few minor exceptions, are not covered by Bill 162.

**Hon Mr Sorbara:** Well, now there are a few minor exceptions there.

**Miss Martel:** It is 100 per cent disabled, Greg.

**Mr Charlton:** That is right, those who are 100 per cent disabled. At any rate, the minister has forgotten his own words on the record. Unfortunately, his words tonight will not be on the record.

At any rate, back to my point. It is perhaps plausible in that scenario that the current injured workers in Ontario would be biased against an improved act. They might come into hearings and oppose it because it was going to give something better to somebody else which they did not have. I do not imagine from the injured workers I know that even under those circumstances they would do that, but at least there is the inkling of that possibility there, if you have a better bill and they are excluded from it. So maybe somebody could make a case about bias on the part of the existing injured workers in the province.

Let's talk for a minute about the trade unions in the province. The trade unions in the province represent a certain percentage of the existing injured workers. They also represent the rest of their members, most of whom are not injured workers. If a trade union, its membership and its education committee or its policy committee, whatever it happens to call its committee in any

particular local, are looking at a piece of government legislation which is going to provide an improvement, a benefit, for most of their members, even if it is going to exclude a few they represent who are already injured and therefore excluded from the legislation, is that trade union going to come out 100 per cent against Bill 162, is that trade union going to ignore the benefits that are there for the bulk of its members who may be injured in the future?

Sure, the trade union is going to come in here and say: "Cover the guys who are already injured. Give them the same you're prepared to give to everybody else." Yes, they are going to come in here and do that, but they are not going to come in before a committee of this House and say: "Scrap the bill. It stinks." So let's talk about what biased opinions are. The trade unions are in here opposing Bill 162 because it serves neither their members who are already injured nor their members who may be injured in the future.

### 2330

Now let's move on to the legal aid clinics, those "biased" legal opinions which were splattered all over the papers across this province all during the hearings. Those are what the minister says are biased legal opinions and that we have to go out and find unbiased legal opinions.

People in the legal aid clinics work on compensation cases every day, day in and day out. I used another example earlier in my speech. I used another example, earlier in my speech, of the Family Law Reform Act, which we spent two and a half years passing back in the late 1970s. Those lawyers who work in the legal aid clinics also do family law cases. They do landlord and tenant cases and rent review cases. They do not just do compensation cases. Those lawyers who work in the legal aid clinics, when we were amending the Family Law Reform Act to improve it to help the clients they represented on a regular basis, came in and supported that legislation; they did not oppose it. When we brought in rent review to protect tenants, the advocates from the legal aid clinics supported the legislation, because it benefited the people they represent.

The Minister of Labour seems to forget that the legal aid clinics in this province are clinics that are funded by the Attorney General (Mr Scott). They are not some wild-eyed morons from Mars. They are part of a legal aid system funded by the Attorney General of Ontario. They have huge case loads. If there was a piece of legislation here that was going to improve benefits and make the system work better for injured workers, do the



members not think those legal aid lawyers would be in here applauding that legislation, which was going to reduce their God-damned case loads?

Interjections.

**Mr Charlton:** It woke everybody up. It had its intended effect. If I have offended anyone's religious feelings, then I apologize.

**Hon Mr Sorbara:** It is just a matter of decorum in the House—

**Mr Charlton:** The minister is a real one to talk, with the way he banters things around.

If those lawyers who work for the legal aid clinics found a piece of legislation, in their legal interpretation of the bill, which was going to assist injured workers and ultimately reduce their case loads, those legal aid lawyers, those advocates would not be in here opposing that legislation; any more than the trade unions, whose members would benefit from improved legislation, would be in here opposing that legislation.

The political futures of the leaders of the trade unions, who have come before our committees and opposed that bill, would be in peril if they opposed outright a piece of legislation, which is going to benefit their members. They just do not do that.

It is time the members of this House started thinking rationally about why those groups came in in opposition to the legislation. Forget the rhetoric for a few minutes. Forget the comments of the Minister of Labour saying: "Rehab will be better. Reinstatement will be better." Rhetoric means nothing, not mine or the minister's. The proof is the implementation for those who are going to rely on the system. That is the only important thing we have to determine here in dealing with this bill.

With virtually no dissent whatsoever, the people who are affected by the system, those who are already injured and those in the trade unions across this province who are responsible for dealing with the Workers' Compensation Board, who have some knowledge and experience at how that system works, virtually unanimously oppose this legislation. Not just sections of it: oppose the bill and demand its withdrawal.

I suggest that that kind of opposition on the one hand is not frivolous, and on the other hand speaks clearly to something that is wrong with the bill.

I want to put another proposition here this evening that I put some months ago in the committee dealing with the bill.

There are all kinds of controversial pieces of legislation which legislators deal with. Contro-

versial pieces of legislation are going to fall into one of probably two categories. There could be any number of subcategories, I suppose, but controversial pieces of legislation are either going to deal with an issue around which there are two diametrically opposed sides, as in the case of workers' compensation: employers who have to pay the shot and who do not like the level of the assessments they are paying to the Workers' Compensation Board fund, and injured workers who believe they are being treated unfairly and not getting enough to compensate them for the degree and extent of their disability resulting from a workplace accident—

Two opposing forces. In the legislative process, any time you end up with a piece of legislation that is not partly acceptable to both sides, even if it is partly opposed by both sides—A balanced piece of legislation would take into account some of the concerns of both sides of the issue, take into account the fact that assessments to employers are high and we want to do things to limit them in whatever way we can and keep them within control, at the same time as taking into account the considerations that are being expressed by injured workers.

Whenever you end up with a piece of legislation that is wholeheartedly supported by one side of those two extremes and unanimously opposed by the other side, then I suggest you have missed the mark in terms of dealing with that controversial issue, in terms of finding the balance society requires between those two opposing viewpoints.

We have seen so many examples of this in other pieces of legislation. In the four-and-a-half-year process around the Occupational Health and Safety Act, between 1975 and 1979, we went through the same kind of process. The employers said no to everything; the workers said, "We want everything;" and we ended up with a piece of legislation that had some of the things the employers did not want in it, and some of the things missing from it that the workers wanted, but we ultimately ended up with an Occupational Health and Safety Act that was reasonably workable. We have had to go back at it a couple of times, including the minister's present Bill 208, to refine, to make it a little better again, but we ended up with a piece of legislation that had some balance.

**Hon Mr Sorbara:** Quite a bit better, I would say.

**Mr Charlton:** If the minister had seen the legislation that existed prior to the Occupational Health and Safety Act that we passed in 1979, it

is fair to say that it was 1200 per cent better than what it replaced. Yes, the new amendments will be quite a bit better again, but a 1200 per cent increase as a result of a four and a half year process of consultation, compromise and hammering out details was a worthwhile project and it had benefits for both sides.

What we have ended up with in Bill 162 is a piece of legislation with no balance, a piece of legislation that is supported by the employers and opposed absolutely by the working people and the injured workers of this province. That is a piece of legislation with no balance.

I could dream up a piece of legislation that would be exactly the opposite, which the working people of this province would support absolutely and which the employers of this province would oppose absolutely, and the minister would get up in this House and tell me that that just was not a balanced piece of legislation.

Well, neither is Bill 162. The minister has missed the mark. He has not adequately understood and adjudicated the differences between the two sides in this debate. He has missed the boat, from the perspective of those who own the system, as my leader put it earlier, those whose system it is, who rely on the system, who get affected by the system.

2340

Yes, the minister has taken into account the concerns of those who unfortunately have to pay for the system, the employers. It was clear in his quote here, "We can finally respond to the real needs of injured workers in this province without spending ourselves to the poorhouse." Unfortunately, the minister was not here earlier when I read that quote earlier or when I made the comments that relate to that quote.

The minister talks about a revenue-neutral system, a revenue-neutral change in the workers' compensation system that is somehow going to make the system better for injured workers. The minister has not done his homework. He has not read the analysis of the workers' compensation system that exists out there. Ninety-four per cent of the injured workers in Ontario, those who are injured temporarily and those who are injured permanently, are being unfairly and inadequately dealt with by the current system.

**Hon Mr Sorbara:** That's not so.

**Mr Charlton:** All the studies show that, so the minister should not contradict it. His own ministry has done the studies. He should read them. For God's sake, open your eyes and read what is there to be had in terms of facts.

**Hon Mr Sorbara:** You've got the floor. Read it into the record.

**Mr Charlton:** Read what into the record?

**Hon Mr Sorbara:** The studies you're quoting.

**Mr Charlton:** I do not have to read your studies to you.

**The Acting Speaker (Mr M. C. Ray):** Order. Time wears on here, but the rules remain the same. Can I please ask that the member who has the floor retain the floor in an uninterrupted manner and that he address the assembly with language that others of us will not find abusive. The member for Hamilton Mountain has the floor.

**Mr Charlton:** The studies to which I am referring are the government studies that have been done on the whole social service structure. Those studies have all repeatedly, clearly shown in every case that there is an abuse in the system that ranges from three per cent to six per cent. No study has ever found any more than a six per cent abuse. That is a reality, that is a fact.

**Hon Mr Sorbara:** That's not what you said in your remarks.

**Mr Charlton:** It is. All the studies which have been done show the same thing. That leaves us with 94 per cent, as the minister describes the current system, a system which treats workers unfairly, but 94 per cent who are entitled to the benefits they have won. They are not abusing the system; they are not cheating. They are being treated in the present system unfairly and inadequately, in a system the minister says is unfair and inadequate.

And he is going to take a revenue-neutral change in legislation and somehow make compensation better for those injured workers. All he is going to do is move around the places where the unfairnesses and abuses land. If the current system is unfair and is treating 94 per cent of injured workers inadequately, then he cannot possibly improve the system in a revenue-neutral legislative change.

His comments are clear. The intent of this bill is clear. It is about reducing the costs of compensation to the employers in this province. That is what Bill 162 is about. It is not about improving rehabilitation, it is not about rehabilitating workers and ensuring that they have adequate benefits for their injuries and for their rehabilitation. It is about reducing assessments to the employers in Ontario. It is a response to the wrong side of the debate.



Again, it is a long time before this minister arrived here in this House, but for 20 years the debate in this House has been clear with respect to the question of employers' assessments for workers' compensation.

When the employers of this province are prepared to clean up the workplaces of Ontario to make them safe, their assessments will go down. That is the only appropriate way to reduce the compensation assessments in Ontario, by reducing accidents, not by changing the legislation, not by juggling benefits around so nobody knows what he is entitled to any more, not by playing games with deemed wage losses versus real wage losses, not by making a system that is so complicated injured workers have to send in petitions like we were reading to members this afternoon, petitions that say, "Please pass legislation that I can understand as an injured worker, that my employer can understand and that the people in the community who advocate for me can understand as well."

Injured workers do not send in those kinds of petitions because they know precisely what is going on. They know, though, that this bill, this revenue-neutral bill, is not going to resolve the problems of inadequate benefits from the board that they have been stuck with for the last year or 10 years or 15 years or 30 years or whatever the case happens to be. They know that a system that does not pay them enough to compensate them for what they have lost, that is not prepared to come up with more funds, is not going to treat them any more fairly than the losses they have already suffered.

The reality is that the workers' compensation system is a system that is about dollars. It is about compensating injured workers for that which they have lost. Through time and evolution of the legislation from 1914 onward, we have built into the system some recognition that goes beyond just wage loss: some recognition for permanent injury, permanent suffering, permanent change in lifestyle that is forced on an injured worker.

Even though that injured worker may be able to return to his or her former employment and regain the wages for the rest of his life that he would have otherwise got, he has gained a benefit that compensates him for more than just wage loss; it compensates him for a personal loss, a physical loss, a suffering, perhaps a loss of sexual relations with his spouse, perhaps a loss of just fundamentally being able to play with his children—any number of things.

Those are evolutions that have occurred since 1914 and those are evolutions that took us a little

step forward each time in terms of trying to address what for many injured workers is a devastation in their lives and their lifestyle.

But the minister's intent is clear in his statement in this House. His intent in Bill 162 is to ultimately reduce the costs. In the short run, yes, it is going to be revenue-neutral, but as we get farther and farther into the new system of deeming, giving smaller lump sum pensions and deeming workers to be capable of work that does not exist—the board is already doing it and members have heard a number of members say that.

I have a compensation case in my riding right now, a little Italian woman. She worked for a large clothier as a seamstress, as we have seen in so many of those movies on television that reflect periods we think of as 20, 30, 40 and 50 years ago, but she worked right up until two years ago for a major clothier in this province as a seamstress.

#### 2350

She injured her back. She was off on compensation. She was let go by her employer when it was time to return to work because her employer had no suitable, modified, light work.

At the time the employer let her go, the Workers' Compensation Board initially put her on to a rehabilitation supplement and attempted to assist her in a job search. A year ago—we want to talk about a year in this House, a year since the bill was introduced. It was a year ago June when the bill was introduced. Do members know what the Workers' Compensation Board did within three weeks of the bill's being introduced here in the House? They sent my constituent a letter saying that the rehabilitation supplement would end because she had been deemed capable of certain work.

The work they deemed her as being capable of does not exist in her case. She could not get a job in the sector they have referred to if her life depended on it, for two reasons: one, her English is not very good at all, and two, she cannot spend her day on her feet. As a matter of fact, she can only spend about 20 minutes to half an hour on her feet. She starts to get seriously uncomfortable after 20 minutes on her feet.

But the board deemed her capable of working in retail sales. The board says she can get a job at \$21,000 a year in Robinson's or Eaton's or The Bay. She cannot speak very good English at all and she cannot stand for long periods of time, but the board deemed her as capable of working in retail sales at an average wage of \$21,000 a year, which is \$3,000 more than she made in her



former employment with the clothier as a seamstress.

Therefore, they have cut off her rehabilitation supplement totally. She is receiving her pension of, I believe, 20 per cent. The pension is probably inadequate as well. We have that under appeal, but we have not resolved that issue yet. The point is, that approach to deeming for injured workers will be the undoing of all those seriously injured workers in the middle.

It probably will not be a problem for one of those people my leader referred to in his comments, those people who are 50 per cent or 60 per cent disabled, even in the board's eyes. They probably will not try to deem that person into a retail sales jobs, because the guy or the woman is totally bedridden or whatever the case happens to be.

That is still a system, as the member for York South (Mr B. Rae) said, that is inadequate, because the reality is that person is not 50 per cent or 60 per cent disabled; he is 100 per cent disabled and the compensation system is not capable of dealing with that question either. They probably at least will not bug that person with the deeming provisions of the act in terms of what he is capable of doing in the way of work.

It is going to be all the injured workers who range probably between 15 per cent pensions and about 45 per cent pensions who are going to be deemed out of the system. Even in those cases where the board's deeming is correct in terms of what the worker might be capable of, in a tight labour market that worker with a bad leg or a bad back is not going to get hired over the young fellow just out of school who has been looking for work for a year.

I see all kinds of them in my constituency office every day, young people who have not found their first job yet. They are not eligible for unemployment insurance because they have never worked and they are desperate for money. They are going to take that job, even if it is a low-paying job, and they are going to get it before the guy with the bad back ever gets it, even if the board managed to deem correctly that the injured worker was capable of doing that work.

But because they deemed him, he will not get any wage loss or he will only get whatever proportion of the wage loss is appropriate between the deemed wage and whatever he was earning prior to his accident if the deemed wage happens to be a lower one.

Again, I say to members that is just not a system that is designed to deal with injured

workers. It is a system that is designed for no other purpose than ultimately, in the long run, to reduce benefits, and in the process of reducing benefits, reduce the assessments on employers in Ontario. This bill has no other purpose. All of the rhetoric aside, it has absolutely no other purpose.

Part of that whole debate was around the discretion of the board, as all of the members of the House, I think, are at least partly aware of now from their participation in the committee hearings, the question periods in this House or even some of the comments in this debate. The discretion that this piece of legislation, Bill 162, gives to the Workers' Compensation Board is the most frightening part of Bill 162.

I know a lot of members opposite, as new members in the Liberal Party, have not dealt with a large number of workers' compensation cases yet, but there are some over there who have been around for a number of years and who have dealt with a fairly large number. I want them to think about some of the ways the board has exercised its discretion in the past, the discretion that it already has in the act and the discretion that it has been exercising for any number of years because different amendments to different sections happened over different periods of time.

I can think of a few cases I want to throw out as examples of how the board has, on a fairly regular basis, abused the discretion it has. First of all, let's talk about rehabilitation. I just gave members the one case. I recall a case where a constituent of mine was on rehabilitation. He had been accepted for a rehab supplement and he was receiving benefits from the board. He was in a course approved by the board. Tuition was paid, the board was paying him a rehab supplement and it was even paying him travel expenses to and from school.

Halfway through his course, the gentleman became ill, with a noncompensable illness unfortunately. If he had had a flare-up of his compensable injury there might not have been any problem—I am not sure—but the gentleman became ill with a noncompensable illness. It had to do with his kidneys rather than his back and he ended up in the hospital. He was unable to complete that term of his course as a result of his hospitalization.

You would think that in 1988 in Ontario, in a system that is supposed to assist injured workers, we could find the flexibility and the discretion to take that workers' circumstance into account, to continue to assist him during his period of convalescence from his noncompensable illness and to get him back into the course, which I



might add was a three-year course of which he had completed two years. He was in the first term or first semester, or whatever they call it, of his last year of the course.

But when the injured worker was hospitalized for his noncompensable illness, the board used its discretion to cut off his rehab benefits and refused to reinstate him in the course when his hospitalization was finished. The board wasted two years of rehabilitation, two years of the course this gentleman had passed. This is how the Workers' Compensation Board applied its discretion. That is just a second example of why we worry about anything in a piece of legislation that gives discretion to the Workers' Compensation Board.

**2400**

My colleague the member for Sudbury East handed me another case. This is a case that was used as an example. It is a real case, an actual case. It was used as an example of why proper rehabilitation must be a right and not something that is granted at the discretion of the board.

This case history illustrates the way the board exercises its discretion regarding rehabilitation and supplements. Under Bill 162, the WCB has discretion as to whether it provides rehabilitation services and as to what types of services it provides. This case history illustrates why proper vocational rehabilitation services must be a right.

Salvatore Dimonaco injured his lower back on 29 April 1981. He was lifting a table stand weighing approximately 70 pounds when he developed an acute onset of low-back pain.

At that time he was 35 years old. Mr Dimonaco was a highly skilled welder. He was earning \$12 to \$13 an hour at the time of his injury. After his back injury, Mr Dimonaco could only do light work. He had five years of education in his native Italy and very weak English-language skills. His case was referred to the board's vocational rehabilitation department.

In October 1982, soon after his file was opened by the vocational rehabilitation department, Mr Dimonaco indicated to the rehabilitation counsellor that he was interested in pursuing formal retraining, as his only skill was welding, a job he could no longer do. He mentioned two areas of interest, computer programming and TV repair. The rehabilitation counsellor informed him that, based on his lack of English and education, he would not have the requirements to enrol in such programs. The only type of retraining the board would consider for him, given his current skills and education level, was a training-on-the-job program.

Mr Dimonaco conducted an active job search but was not successful in locating employment. In 1984, he again expressed the desire to enter into formal retraining, specifically English as a second language. His rehabilitation counsellor indicated to him, as in the past, that this option was not available to him and that he would have to find a light job.

I could go on with a fairly lengthy description of this case, but the point is made. Rehabilitation is provided to injured workers at the discretion of the board, and in this injured worker's case, even though the injured worker at the time of his injury was only 35 years old and five or six years of training would only have taken this injured worker to 42, with still a considerable productive working life ahead of him, what did the Workers' Compensation Board say to this man? They said, "Because your English is bad, we don't think you can get into the courses you're interested in."

When the injured worker tried to talk to them about upgrading his English skills, the answer was no as well, because rehabilitation is discretionary at the board and it is not the primary focus of the Workers' Compensation Board operation, which brings us back to what is the primary focus.

The primary focus at the Workers' Compensation Board is to keep the payouts to injured workers as low as it possibly can in order to keep down those assessments it has to make against employers to fund the payments to injured workers. That is how they operate, like a ledger book, and that is how they use their discretion in terms of rehabilitation.

They do not deal with rehabilitation as something that is very beneficial to the society overall. They do not deal with rehabilitation as something in this society that is not only rewarding to the individual person but in terms of how the whole society views itself and operates internally, as something that is a positive way to deal with the kinds of circumstances injured workers find themselves in.

Rehabilitation is the key, and the minister is right in his rhetoric, at least. Rehabilitation is the key to resolving a lot of the problems that are faced by injured workers out there in Ontario. Unfortunately, the minister, although his rhetoric is correct, is incorrect about what Bill 162 will provide in terms of rehabilitation.

I challenge the minister to do what I have done in terms of the regional office in Hamilton and what the member for Sudbury East has done in terms of the regional office in Sudbury; to find out what is happening to the rehabilitation



sections at the Workers' Compensation Board, to find out why there are no rehabilitation counselors left: because they are dismantling the system.

A number of my colleagues have referred to the Minna-Majesky report, a report by the task force that was looking specifically at questions of rehabilitation, problems in rehabilitation in Ontario and specifically, the abuses that go on in the rehabilitation system in Ontario. The task force set out a package of recommendations, 84 of them in total

**Mr Reville:** On a point of order, Mr Speaker: Do you see a quorum?

**The Speaker:** I see a number of members. Maybe the clerk would check. There is not a quorum? Call in the members.

The Speaker ordered the bells rung.

0009

**The Speaker:** There is a quorum present. The member for Hamilton Mountain may wish to continue.

**Mr Charlton:** The member does, Mr Speaker.

**Mr Ballinger:** My mother is going to be mad at you.

**Mr Charlton:** Mad at me?

**Mr Ballinger:** I was on the phone with her.

**Mr Charlton:** I am sorry, but it was the member for Riverdale (Mr Reville).

I had just started to make some comments about the Minna-Majesky report on rehabilitation.

**Mr Dietsch:** Go back over it.

**Mr Charlton:** I am going to go back over it. Do not worry. But I want to refresh the members' memories about some of the comments my colleagues made before me before I go back over what I have already said.

As members will recall, there were 84 recommendations made in the Majesky-Minna report by the task force. Of those recommendations, 87 per cent have not been dealt with in Bill 162, this piece of legislation which the minister claims is the answer for rehabilitation in Ontario for injured workers, the salvation for injured workers.

I am going to read some of the recommendations so we can discuss them. I am going to read them basically because they are recommendations which, although the minister seems to want us to believe he has covered them in his approach in Bill 162, just are not adequately dealt with or not dealt with at all.

The right to total rehabilitation, recommendation 13.

"13. That any worker who sustains a serious injury or a debilitating disease linked to the workplace, shall have the statutory right to all rehabilitation required by that worker. Rehabilitation shall be defined as 'to assist workers who have suffered occupational injuries or debilitating diseases linked to the workplace in the process of restoration, to the fullest physical, mental, social, vocational and economic independence to the maximum possible extent.' Serious shall be defined as a situation in which the worker is unable to return to the job within 30 days of injury."

I have heard a number of Liberal members here tonight suggesting that certain members of this caucus were not familiar with Bill 162. I want to ask the members of the Liberal caucus if they would think seriously about recommendation 13 and whether that is the right the minister claims he has granted to injured workers in Bill 162, which is the right of an injured worker to rehabilitation when the board deems that rehabilitation is both necessary and appropriate.

The Majesky-Minna report says that injured workers should have a statutory right to all rehabilitation required by that worker, not at the discretion of the board but as a right. It goes back to the comments I made earlier about the revenue-neutral system and the only way to make effective gains in terms of rehabilitation for injured workers.

Recommendation 14: another recommendation which Bill 162 has failed to address appropriately, but another very important recommendation of this report. Again, in his rhetoric, the minister will admit it is an important report that should be pursued. Unfortunately, he has failed to do that.

"14. That the board take a proactive role in identifying those injured workers who have not received, have been denied, or were never referred to rehabilitation services and that the board accept the responsibility of supplying satisfactory rehabilitation services and ensuring financial security."

Do you know, Mr Speaker, who those people referred to in recommendation 14 of the Majesky-Minna report are? They are the very people who are not covered by Bill 162 at all, those people out there who are already injured workers and who have been failed by the current discretionary rehabilitation system. Recommendation 14 says the board should be proactive, go out and find those people who have been denied



rehab in the past and ensure they get that rehab and some compensation for the failures in the past. The minister chose to write those people off with one stroke of his pen by excluding them from the bill altogether.

Recommendation 15: "That all cases in WCB which have been open more than 30 days but not referred to vocational rehabilitation services be referred for service under the broader definition of rehabilitation."

That is a recommendation which simply goes hand in hand with a statutory right to rehabilitation. That recommendation obviously is not in Bill 162. It would not work anyway in a discretionary system, with the board referring people to rehabilitation simply to deny them rehabilitation because in the board's view it was unnecessary or inappropriate.

Re-employment issues: another important aspect of the Majesky-Minna report, which the minister has purported to have dealt with in Bill 162 in an adequate fashion.

Recommendation 17: "That the Ministry of Labour draft a resolution similar to the Quebec legislation, which reads: 'No person may refuse to hire a worker because the worker has suffered an employment injury if the worker is able to carry on the employment contemplated.'"

That recommendation of the Majesky-Minna report not only deals with the kind of situation I described here earlier in my comments—injured workers who in the present circumstances just are not going to find a job, and under Bill 162, if they get deemed by the board, are not likely going to find it either—but recommendation 17 is a basic change in law which says that an injured worker cannot be refused employment simply because of his or her injury. If that injured worker can establish his ability to do the work that is contemplated by the job, he should be hired. The minister, instead, in Bill 162, gives us some kind of discretionary right to re-employment with the former employer and no such right as this one, when because of the nature of the injury the employee is not in any condition to return to the former employer at all.

Recommendation 18: "That a worker who is injured at the workplace or contracts an occupational disease shall have the statutory right to return to the pre-injury job."

This is the recommendation which the Minister of Labour has purported to have covered in Bill 162. Unfortunately, in title he has, but in substance and reality for injured workers, again he has missed the boat. He has provided some limited right for a limited period of time to

reinstatement with the employer. He has also, right in the legislation, provided ways the employer can get around that reinstatement.

What does recommendation 18 in the report say, and say clearly? "That a worker who is injured at the workplace or contracts an occupational disease shall have the statutory right to return to the pre-injury job. Where the worker is no longer capable of performing that job he or she shall have the right to another job in the same enterprise, respecting seniority rights."

**Hon Mr Sorbara:** Even the cameramen have fallen asleep.

**Mr Charlton:** That is good. Then the camera will never leave me, because I am not leaving either.

**Mr Ballinger:** My mother says you're too short.

**Mr Charlton:** My mother says I am too short, as well.

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We have a whole series of recommendations here in the report under a section entitled "Rehabilitation Services Providers." I just noticed, looking at the first recommendation in that series—and I am going to read a couple of the others—that it happens to be an interesting one in the context of some comments I made earlier this evening to the Minister of Labour about rehabilitation counsellors and their disappearance from the regional offices of the Workers' Compensation Board.

Recommendation 46 of the Majesky-Minna report says: "That rehabilitation counsellors with experience be recognized as case managers in the rehabilitation services delivery system."

I would suggest that that recommendation in the Majesky-Minna report is probably a little weak. It would be fine if we recognized them as case managers, assuming that there are any left at the Workers' Compensation Board after the present process of dismantling the rehabilitation sections.

As I said, several other recommendations under this section which I think are appropriate to read are not dealt with in Bill 162, which is one of the major failings of the bill, because it has not adequately addressed the full range of rehabilitation concerns and needs out there to make rehabilitation an effective working part of the workers' compensation system.

Recommendation 50 is one I can relate to quite clearly, because it has affected so many of the cases that have gone through my office where there have been problems with rehabilitation,



where people have been cut off rehabilitation as unco-operative. Recommendation 50 says: "That all rehabilitation counsellors be required to continually visit and monitor employment conditions in the workplace."

What does that mean? Rehabilitation counsellors assist an injured worker to find a job. Sometimes they even go to the extent of working out a contract with the employer where, in a declining way, the board will pay perhaps 75 per cent of the salary in the first month, 50 per cent of the salary in the second month and 25 per cent of the salary in the third month. If the whole thing works out at the end, the injured worker ends up with a permanent job with an employer who is now paying 100 per cent of the wage, and the board is out of the picture; it withdraws its rehabilitation supplement support.

But the rehabilitation counsellors never go to the workplaces to check what is happening in the workplace. They never go to the workplaces to determine what it is the injured worker is being asked to do; what the injured worker is running up against in that contractual relationship.

What inevitably happens is abuse in the workplace, because the minute the rehabilitation counsellor signs the contract with the employer and walks out the door, the employee is either asked to do work which he or she is not physically capable of because of his injury, or the employer informs him that his wages will be cut at the end of the contract with the Workers' Compensation Board, or any number of other things happen.

When the injured worker calls the rehabilitation counsellor, whose case load is astronomical—and that was when we had 15 of them in Hamilton, not two—either he finds out that the rehabilitation counsellor is not in the office that day, or the rehabilitation counsellor says: "I'm sorry, my case load is huge. I can't go around and go out to your job site every day to see what kind of abuses you're going through."

The employment relationship breaks down, because the rehabilitation counsellor is not there to assist that injured worker to work into a work relationship that fits in terms of his injury, the limitations that are imposed by his injury. As a result, the injured worker loses the job. The rehab counsellor then phones the injured worker and says: "You did that on purpose. You're being unco-operative and we're cutting off your rehab supplement. You're off my case list."

A simple recommendation like recommendation 50 may sound frivolous to some of the members of this House, but Majesky and Minna

and the people involved in their task force included this for very serious reasons. The very serious reasons are that injured workers who have been assisted through rehab into some kind of employment are being abused and jerked around in far too many instances out there in the province and the rehab system is not capable of dealing with that in any way, shape or form.

The Minister of Labour touts Bill 162 as the future perfection of rehabilitation for injured workers in the province, but he has not even thought to deal with the very base-line, bottom-line issues that have been raised by injured workers in terms of the problems they are having in the rehab setting out there in Ontario.

**Mr Dietsch:** By God, I think he's lost his place.

**Mr Charlton:** No, I am just trying to decide how many of these things I want members to listen to.

**Miss Martel:** There are 84, by the way.

**Mr Charlton:** Yes, but I am working from the middle backwards and from the middle forwards.

Recommendation 53: "That rehabilitation counsellors presently employed at Workers' Compensation Board be required and encouraged to upgrade their formal education to a graduate level in a program that stresses counselling skills."

That was extremely appropriate when Majesky and Minna made the recommendation. The rehabilitation counsellors, for the most part—and there were exceptions, of course—at the WCB were never properly trained in rehabilitation. They were not counsellors in rehabilitation; they were anything but counsellors in rehabilitation. They were people behind a desk, for the most part, who had the title of rehabilitation counsellor who would say: "Yes, I'm prepared to open a rehab file for you. Go out and do a job search." That was the extent of the rehab counselling that most injured workers got.

The Majesky-Minna recommendation 53 was a recommendation that was designed to try to upgrade that rehabilitation counselling system. The rhetoric of the minister says he would like to see that happen too, but he has not seen fit to deal with that issue in Bill 162. He has not seen fit to deal with the fact that the Workers' Compensation rehab counsellors were not appropriate or adequate for the job. That is clearly set out here in the report.

On the other hand, what does it matter? He has not dealt with it in Bill 162, but they are shutting down the rehab sections anyway and getting rid



of all the counsellors. We will not have to retrain them, because they are not there any more. That is the extent to which Bill 162 is committed to rehabilitation. They are closing the system down instead of following the recommendations of this report.

Recommendation 54: "That all personnel to be hired in the future at Workers' Compensation Board as rehabilitation counsellors shall have training at a graduate level in programs that stress counselling skills...that recognition be given for work experience and that the board provide the time and the financial incentives to train to a graduate level."

Again, there is a clear indication in the report that the rehabilitation services and the expectations of rehabilitation counsellors in the current WCB system are totally inadequate. Again, there is absolutely no reference in the legislation. What would it matter anyway? They are getting rid of them all. As I said in response to the last section, if they do not have any rehab counsellors, what do they need to train them at an upgraded level for in the future? If they are shutting down the rehab section, it makes no sense. So, the minister ignores the recommendation.

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I would really like to know from some of the Liberal members how it is that as a result of Bill 162 we are going to get improved rehabilitation at the WCB when there are no rehab sections left at all. That will be true by the end of this year. That is what some of the rehab counsellors tell us. Members opposite should give some of them a call and ask them the same question.

**Mr Ballinger:** They are probably in bed by now, like all good people.

**Mr Charlton:** They are so concerned about their jobs though, they would not be concerned about the hour. They would like to hear the member's comments. They would like to hear the question and they would like the opportunity to respond to the question so that perhaps the government would come back into this House and vote against this damnable piece of legislation.

**Mr Ballinger:** It must be the witching hour.

**Mr Charlton:** It is passed that. I have already turned into a pumpkin.

The next one is really sweet. It is an important recommendation in the context of a real approach to rehabilitation that is successful and useful in Ontario, but it is also a giant reflection of the inadequacies of Bill 162.

Recommendation 58: "The case load size of rehabilitation counsellors should be allowed to vary according to the amount of work each case requires but should be set by management in consultation with the counsellors with due regard to the demands of a high quality of service and not allowed to rise above 50." That is the recommendation in the Majesky-Minna report.

I want members to think about this one for a minute. Let's assume for a minute that the board has been listening to the Minister of Labour. The minister has been charging around Ontario saying: "Bill 162 is going to fix rehab at WCB. Bill 162 is going to make rehab work for injured workers."

Let's assume for a moment that the WCB has been listening to the minister, and it not only has not been dumping people off its rehab case load but has been taking new injured workers into rehab. Let's assume that for a minute. Let's assume the positive.

The Hamilton regional office has gone from 15 rehab counsellors to two. If the case load is the same or if the case load has gone up, are any of those people who are now supposedly being served by the rehab section at the Hamilton regional office getting decent service? Is there any hope that they are going to get rehabilitation that means anything, that takes them anywhere in terms of gainful employment in the future? Not a prayer.

I think I was being a bit facetious when I said let's assume they have not dumped people off their case load, because the reality is that they have not only got rid of 13 of 15 rehab counsellors but they have been dumping people off the rehab case load by the hundreds over the course of the past six months.

I described one case earlier this evening. My office has had 50 or 60 cases that we have been involved in for several years, who have been in to see us over the course of the last six months because they have been dumped out of rehab altogether, even some cases who were right in the middle of educational training. They have been informed by the board that although they have not been cut off yet, they will not be covered for the next phase of that training which was originally agreed to by the rehab counsellor in the rehab program. They are halfway through a program at the community college; come September there will be no more.

**An hon member:** What happened?

**Mr Ballinger:** Silence is golden.

**Mr Charlton:** Isn't it wonderful?

**Mr Cleary:** He lost his spot.

**Mr Charlton:** Mr Speaker, the comments that are coming from the rump have subsided so much and become so friendly—

**Mr Ballinger:** Have we inspired you?

**Mr Dietsch:** Exercised him, I hope.

**The Speaker:** Does the member have any further comments on the matter before the House?

**Mr Charlton:** Yes, Mr Speaker.

Going back the other way in the report, to just pick up on a couple of the recommendations I skipped by—

**Mr Dietsch:** He can't read Shelley's notes.

**Mr Charlton:** Yes, I am having trouble.

This is under the subheading "Assessment and Work Adjustment Training."

Recommendation 20: "That where a dispute arises among medical practitioners regarding the diagnosis and functional assessment of the injured worker, the case manager shall request the Ontario College of Physicians and Surgeons to appoint a specialist to adjudicate the dispute."

That recommendation is also an extremely important recommendation in the context of an injured worker's overall assessment for benefits from the board, but as well it is an extremely important recommendation in terms of the questions that flow out of the injury itself, the questions that we get to subsequently, like rehabilitation.

My leader, the member for York South, in his comments referred to the power of the board doctors. That is what this recommendation is related to, the power of the board doctors, and the recommendation of the Majesky-Minna task force that we have to put in place a method to resolve, to adjudicate, disputes between the treating physicians, those physicians who are treating the injured worker and the physicians at the board, who on the one hand say the injured worker is only 10 per cent disabled and on the other hand say that he is capable of certain types of work that he or she is not capable of.

Recommendation 20 was a recommendation that was designed to adjudicate, absolutely and independently, that question. You have a dispute between the board doctors and the treating physicians. This recommendation says that the Ontario College of Physicians and Surgeons should be there to adjudicate and to decide that issue, both in terms of the benefits that worker should be eligible for, the extent to which that worker is disabled, and the need that worker may have for rehabilitation, which, again, the Minis-

ter of Labour has touted as one of the primary purposes of Bill 162.

But if he has not addressed the issue of how you resolve those disputes, and he has not, what good is it to even talk about improving a system which all of us who have dealt with the WCB know ultimately is all based on whether you are talking about the length of time the individual stays on temporary total benefits, whether you are talking about whether or not the worker ever gets assessed for a permanent disability, whether you are talking about the size of that permanent disability, the degree of disability that injured worker has suffered and what, therefore, that injured worker is possibly capable of doing in the future, and the need for that injured worker to receive rehabilitation? If you have not resolved how you answer those medical questions when there is a dispute, what have you done?

No matter what the minister says and no matter what anybody says, the primary problem that most injured workers have at the board, especially around serious injuries resulting in substantial disability that changes their ability to do work, the kind of people we are talking about when it comes to rehab are the kind of people for whom 90 per cent of the problem they have with the board is getting appropriately assessed, getting the benefits they are eligible for defined properly, getting the extent of their disability assessed properly, and therefore ending up in a situation where everybody really understands where they should be going from here.

**0040**

Do members know what happens to an injured worker who has real difficulty walking because of a back and a leg injury? That injured worker goes, after his supposed recovery to a level that the doctors say is the extent to which he is going to recover, to the board to be assessed for a permanent disability. His doctors tell him—

**Hon Mr Sorbara:** Let's move right to Howie.

**Mr Dietsch:** No, I am next.

**Mr Charlton:** Not yet. I am not finished yet.

**Mr Ballinger:** Shelley hasn't passed him all the notes yet.

**Mr Charlton:** I have to let him get ready there.

What happens when that injured worker, whose doctors say they do not know what it is he is able to do any more as a result of his leg and back injury, they do not know of any work that he is capable of doing, but that injured worker goes to the compensation board and the board doctors assess him as 10 per cent disabled? Then he gets



referred to rehab, because he cannot return to his old employment, and the rehab counsellor says: "You are only 10 per cent disabled. Go do a job search." This guy can hardly walk. He cannot stay on his feet for more than 15 or 20 minutes at a time.

**Hon Mr Sorbara:** Unlike you.

**Mr Charlton:** Unlike me. I prefer to be on my feet always.

This injured worker has missed the rehab potential totally. He has missed that potential because the board doctors said he was only 10 per cent disabled. The rehab counsellor says, because the board has discretion in terms of who will receive rehabilitation services and training: "If you are only 10 per cent disabled, I do not need to retrain you. Please go out and do a job search." That injured worker has little or no chance to find that job. Without the kind of recommendations that are set out in the Majesky-Minna report that the minister has totally ignored, those few recommendations of the 84 that the minister has dealt with mean nothing.

It is like so many other things that we see. One of the analogies, for example, is when the old standing committee on procedural affairs or the current standing committee on the Legislative Assembly sits down and the three parties go through rule changes. We have a negotiation compromise process where the government says, "We want limits on the bells," and the opposition says: "That's okay. We want private members' statements." The government says, "We want limits on petitions," but the opposition says, "Okay, but we want opposition days." Members know the process that has been going on out there for some 10 or 12 years now; in my time here, at least, and probably long before that.

The point I am making in the analogy is simple: In that process, you end up with a package of some things that everybody disagrees with, some things that all three parties want and some things that all three parties do not like. They make up the package of tradeoffs that happen in the process of coming to a consensus on a package of rules that will work.

That is what a report like the Majesky-Minna is about. It is a report that goes out there and analyses what is happening in workers' compensation rehabilitation.

**Hon Mr Sorbara:** The report doesn't go out there.

**Mr Charlton:** The task force goes out there; I am sorry. The task force goes out there. It makes a set of recommendations; there were 84 of them in its report. It does a set of recommendations on

assessment and work adjustment training. These recommendations are all tied together. We cannot take one of them out and put it in Bill 162 and say that recommendation is going to do anything without the rest of the package. This is a package that has to be together to work. If you take one part of it, you do not have a workable package any more.

There is no consensus on rehabilitation. The word "rehabilitation" does not mean anything by itself; you have to have the parts to make the system do something that is rehabilitative.

**Mr D. R. Cooke:** Like Bill 162 then.

**Mr Charlton:** Bill 162 does nothing in terms of rehabilitation. It makes the rehabilitation situation worse. That is the process of discussion we have been going through here tonight.

The minister has not responded yet—he will have his opportunity at some point if he wishes—to the fact that the Workers' Compensation Board is dismantling all the rehabilitation sections in all the regional offices right across the province. They will not exist by the end of this year.

Members should phone up any rehabilitation counsellor in their local office and ask them. There are none left. There are two left in Hamilton out of 15. Most of the case load has been dumped out of rehabilitation as well, so it does not really matter, except that there is not going to be any rehabilitation section to implement the minister's comments about rehabilitation in Bill 162 because it will not exist. That is the commitment to rehabilitation that is resulting from Bill 162.

The board started to dismantle the rehabilitation sections before we even passed this bill. They know what the bottom line in Bill 162 is: You make rehabilitation the total discretion of the board. They do not like to do rehabilitation, they have never liked to do rehabilitation, it has always been a problem for them and they are going to get out of it totally. That is what is happening at the Workers' Compensation Board as a result of Bill 162 and the minister's grandiose statements about how he is going to make rehabilitation better in Ontario.

Let's look at the realities and not listen to just the rhetoric. Members should find out what is happening in their own areas, find out what the realities of Bill 162 really mean for injured workers who have tried to rely on rehabilitation for so long. Understand what is happening out there.

When I was interrupted, and I apologize for getting led astray by the interruptions, I was



talking about assessment and work adjustment training and the recommendations in the Minna-Majesky report that flow out of assessment and work adjustment training. I had referred to recommendation 20, but I want to make the point of how these recommendations become a package and fit together and do not work independently of each other.

Recommendation 20, members will recall, was the recommendation which dealt with a dispute between the treating physicians and the board doctors and said that in the case of a dispute like that, the dispute should be referred to the College of Physicians and Surgeons of Ontario, which should adjudicate the dispute and make a final, binding decision in terms of the medical aspects of that compensation claim. It is an important part of the compensation system that has not been dealt with in Bill 162.

Recommendation 21: "That adjudication shall take place within 30 days of notification of the existence of the dispute and that the result shall be given to the case manager."

There is a perfect example of how recommendations cannot be separated. What we have now is a compensation system where, when the treating physicians and the board physicians disagree with the compensation benefits to which an injured worker is entitled, or they disagree on the extent of a permanent disability which an injured worker has suffered, under the present system the injured worker has a choice to appeal. That is correct.

The appeal system is there and the injured worker files an appeal at the board level to a hearings officer. Six, seven or eight months later that injured worker gets a hearing before a hearings officer at the board level. If he wins, he is only out the six, seven or eight months. If it was a rehabilitation program he was trying to get into because of a claim that his disability was far greater than what the board doctors were saying, he has lost only six, seven or eight months in terms of getting at that rehabilitation and that training.

**0050**

If he does not win at the board or the hearings officer stage, then the injured worker has the right to appeal the decision of that hearings officer to WCAT. It will take him anywhere from 18 months to two years to get a hearing at WCAT, because it is so badly backed up. Now the injured worker effectively has lost three years of pension money, if it was at pension level he was appealing, and three years of potential rehabilitation and retraining for gainful employ-

ment, if rehabilitation is what that injured worker was seeking, because his doctors disagreed with the board doctors.

That is the kind of problem Majesky and Minna found when they went out there with their task force and investigated what is going on in rehabilitation. That is why we got recommendations 20 and 21. One cannot do one without the other.

One cannot say, "We're not going to make the appeal system deal with medical disputes any more; we are going to refer that to the College of Physicians and Surgeons of Ontario," and then still have it take the three years to get to the end of the process. It is still going to do the same damage to the injured workers.

So recommendation 20 says the College of Physicians and Surgeons of Ontario should adjudicate disputes between board doctors and treating physicians, and recommendation 21 says they have to do that within 30 days so that the injured worker does not get dumped down the sewer for the next three years to vegetate.

Let's move on to recommendation 22: "That during the period of review by the adjudicator full financial benefits shall be continued." This is another recommendation that fits with the other two in terms of the problems that have been identified for injured workers in their approach to disputes with the board around questions of rehabilitation.

One of the things that happens is that an injured worker recovers to a particular level. His doctors say: "Injured worker, you can't return to your former employment, but you are eligible to do some kind of work. You have recovered as far as you're going to recover. The compensation board is probably going to assess you for a small permanent disability award, but you are able to go back to work. Here are the restrictions I, as your doctor, would place on you: no heavy lifting, no repetitive bending and no repetitive waist and hip movement."

That is what the doctor tells the injured worker. The injured worker does not know exactly what to do. He is a semiskilled worker, but he has been told that he cannot return to his former employment and that he has physical limits in terms of the kinds of work he can do in the future.

He goes down to the compensation board and says: "Here's the report from my doctor. What do I do now?" The board says, "We're going to refer you to rehab, and we will also be calling you in shortly for a pension assessment." They call him in and he is assessed at 10 per cent disabled. His



doctors say, "No, he is more disabled than 10 per cent." The board doctors say: "We don't care what his treating physician said; we have rated him at 10 per cent. If he doesn't like it he can appeal it."

Majesky and Minna have recommended that the appeal process is too long and cumbersome. In a case like that, let's refer it to the college of physicians and surgeons and see that it is referred there within 30 days of the dispute. Then they say in recommendation 22 that the injured worker's benefits should continue until that dispute is resolved.

Again, what happens in the current system is that the injured worker not only has to go through an appeal, but he is cut off benefits, and that is what caused the appeal in the first place. Now the minister is saying: "We are going to make rehab work by making it totally discretionary but focusing our rhetoric on it, but we are not going to put in place the mechanisms to help injured workers make it work." There will be no dispute-resolving mechanisms that will shorten that eight months to two years in the appeal process if the decision is not the right one; no mechanisms to protect the injured worker while the dispute is being resolved.

The minister says, "I have tried to address the issues set out in the Majesky-Minna report," but in practical terms for injured workers he has missed all the most important of the recommendations that are here. They are the recommendations that make it possible for the injured worker to survive the system while we iron out all the wrinkles that a bureaucratic system inevitably creates.

The minister understands bureaucracies and the bumps, grinds and hiccups that happen in a bureaucratic system. In that system you have a lot of injured workers, very devastated in many cases and very delicate in other cases, who are very unsure of their future. They are trying to find rehabilitation.

If you do not put in place all of the mechanisms that are going to help those injured workers to survive that bureaucracy and the imperfections and wrinkles in the bureaucratic system, then you have not really done very much to serve that injured worker. Even if you have set up a system which might give the right answer at the end, if the injured worker does not survive through to the end, what have you done? What have you accomplished?

**Hon Mr Sorbara:** Read the amended bill into the record.

**Mr Charlton:** I will do that at the end of my comments, if you want.

Recommendation 23 is another recommendation which relates to the same part of a package of recommendations which are designed and intended to deal with the specifics of what the task force found out there in terms of the operation, not what the legislation says, but the operation, application or implementation of rehabilitation and how it gets imposed on, for, with or against injured workers.

Recommendation 23 says, and it is part of the package I have been talking about: "That should no agreement in diagnoses then be obtained, or the worker or employer refuse to concur with the outcome, the case may be taken to an appeals system" for adjudication. Remember, though, that we have protected the worker's benefits as part of the package.

Not all of this is happening. I wonder how many members of the cabinet or of the Liberal caucus have had a case, like so many I have had, which has gone through the process of adjudication and appeal of an issue.

**0100**

As the minister well knows, when a dispute arises between an injured worker and the board, whether it is with board doctors, a claims adjudicator or pensions adjudicator, and the injured worker or his or her representative informs the board that he or she wishes to contest the decision of the board, first the matter gets referred to claims review or pension review.

Over a three- or four-month period the claims review branch will review the decision which denied the worker a certain benefit or whatever the case happens to be. We start out with a three- or four-month period. Then if you are dissatisfied with the claims review decision, you appeal to an appeals adjudicator. As I have said before, the total process can drag out to between two and three years in length.

You have an injured worker who used to earn \$15, \$16 or \$17 an hour. He has been off work for a year on temporary total benefits. He has recovered to the extent that his doctors say he is going to recover. His doctors have said he is able to return to work but not to his former job. His doctors have set out the restrictions he should observe in the employment he seeks for his future.

Again, we have the individual worker's compensation case who is a prime target for rehab. The minister says that is what he wants Bill 162 to provide for them, but we have got a

process that potentially can drag on for two to three years.

**Hon Mr Sorbara:** Just like your speech.

**Mr Charlton:** I informed the House at the outset that we were not here for a good time, we were here for a long time, and I meant it. The minister does not have to tell me about it.

**Mr Faubert:** How right you are. That's the best line tonight.

**Mr Charlton:** It is the second time I have used it. The member did not laugh the first time; he must have been sleeping.

Without the protective mechanism to help the injured worker through that appeal process, what do you end up with? I have forgotten the exact statistics, but the board has statistics on how many of those who get cut off move forward to the first stage of appeal and how many move beyond the first stage to the second stage of appeal; in other words, how many go right through the appeal system in going after the benefits they believe they are due.

What you find is a fairly significant number of those injured workers dropping out partway through the process. Some drop out right after the three or four months it takes to get a claims review branch decision.

**Mr Dietsch:** What you need is a Dale Carnegie course.

**Mr Charlton:** No, I might go too fast if I had a Dale Carnegie course.

**Mr Dietsch:** Put some enthusiasm in it; say it like you really mean it.

**Mr Charlton:** If I had the enthusiasm that comments like the member has made here in the House tonight would generate, there would probably be stuff flying around the room and the Speaker would not like that at all.

**Mr Ballinger:** He's a good Speaker; you never know.

**Mr Charlton:** He still would not like things flying around the room; I am sure of that.

What happens in some cases in just the three or four months that it takes to get a decision out of the claims review branch is that the injured worker falls by the wayside because he or she has been without benefits for three or four months at that stage. Those who survive stage 1 and get past the hearings officer are 10 or 11 months down the road. A lot more of the injured workers fall by the wayside even though they manage somehow to hang in for the 10 or 11 months; they perhaps went down to the welfare office and signed an assignment saying that, if they won their case,

they would pay the welfare department back for the benefits they received while they were waiting to get an appeal hearing. But after the appeal hearing is over, if they have lost at stage 2, they have to consider whether or not to go to WCAT and whether or not in the appeal to WCAT they are going to have any wherewithal to survive for the 18 months to two years it is going to take them to get a WCAT hearing. A large percentage more of those injured workers drop out or fall out of the system because they cannot afford to hang on and see the process through.

The minister has not dealt with the kinds of very sensitive issues that the Majesky-Minna report has set out, issues that affect injured workers in every decision they have to make along the way. If all the parts are not there to make it possible for injured workers to be able to utilize a system that is theoretically set out in legislation, then the legislation means nothing. That is like passing a piece of environmental legislation that you have absolutely no intention of enforcing.

The law is only as good as your commitment to making it work. If you are not prepared to make a commitment to injured workers that you are going to help them have access to all the provisions set out in legislation, including the appeal provisions, then you have not passed a good law, and for all intents and purposes, for most people, the law means little or nothing because there is no commitment to see that it works.

Bill 162 is a piece of legislation that is this government's attempt—

**Hon Mr Sorbara:** Now Peter's left. Now they're all gone.

**Mr Charlton:** That is because I am going to stay on for the rest of the night just to entertain the minister.

Bill 162 is a piece of legislation that the Minister of Labour and the government have touted as a piece of legislation that is intended to reform the Worker's Compensation Act in Ontario for the purposes of improving its fairer application for injured workers.

My colleague the member for Sudbury East, step by step, section by section, in spite of the very confused comments from the minister at that point about why did she not talk about something substantive, set out in detail, section by section from the front of the act to the back of the act, why and how Bill 162 does not do what this government and this minister have purported to say it does for injured workers in the province.



Bill 162 is a bill that a number of members of the Liberal caucus said here this evening should be passed because it has been before us for a whole year.

**Mr Dietsch:** You said we didn't speak. Make up your mind.

**Mr Charlton:** I said they did not speak. I did not say anything about the member not speaking. I do not care whether he spoke or not. He can choose when and when not to speak. Members of his caucus sat here this evening and yelled comments about: "Pass Bill 162. It's been here for a whole year," as if the fact the bill has been before this Legislature for a whole year somehow makes it worth while and supportable.

**Mr Furlong:** Why don't you get to it?

**Mr Charlton:** Now the member has angered me a little bit and I will have to repeat some of what I said earlier about this bill and the year it spent before this House.

I recall back in 1975 when the then Minister of Labour, Bette Stephenson, in the former Conservative administration started a province-wide hearings process on occupational health and safety. She started a public process, not around a piece of legislation but around a concept of need for reform of occupational health and safety legislation in Ontario.

0110

This Legislature and all three parties in this Legislature took four and a half years of consultative hearings, development of legislation, hearings on the legislation, clause-by-clause amendment in committee and clause-by-clause amendment in the House, from 1975 until 1979, to pass what ultimately was not a perfect piece of legislation. It was a piece of legislation that contained some things the companies in this province did not want and did not contain some things workers in this province wanted, but it ultimately reflected a fairly workable piece of legislation.

**Hon Mr Sorbara:** I think we've heard this part of the speech.

**Mr Charlton:** They did not. That is why I am repeating it.

**Mr Furlong:** The next thing we're going to hear is the Family Law Reform Act.

**Mr Charlton:** Yes, I will do that too if the member wants.

**The Speaker:** Order.

**Mr Charlton:** The point is that the Minister of Labour has taken what can be a worthwhile, useful and productive process and ripped the guts

out of it. There was no prior consultation on Bill 162, none whatsoever, with the workers of this province. We have yet to find a single worker who was consulted on the contents of Bill 162. Nobody was consulted on what is in Bill 162.

**Hon Mr Sorbara:** Howard's ready.

**Mr Charlton:** The member for Rainy River is almost ready. He has brought his water with him too.

The minister has taken a process that can be useful and workable, if he is prepared to consult with those who are directly affected, and he has torn the guts right out of that process. No prior consultation. Introduce a bill he has not consulted with anybody about. Try to limit hearings. Try to have no hearings for a start and then limit the hearings on that bill.

**Mr Kormos:** Do recommendation 58.

**Mr Charlton:** Somebody has requested that I deal with recommendation 58.

**Mr Kormos:** A request.

**Mr Charlton:** This is a request from the audience for recommendation 58 of the Majesky-Minna report. We are back to rehab.

Recommendation 58: "That the case load size of rehabilitation counsellors should be allowed to vary according to the amount of work each case requires, but should be set by management in consultation with"—oh, I have read this recommendation before. The government forgot the 50. They do not know what an appropriate case load is. How are they going to make rehabilitation work?

**Hon Mr Sorbara:** I think the manager's coming out to the mound and calling on Howard Hampton.

**Mr Charlton:** Recommendation 58, I say to the minister, simply makes the system workable, like so many of the others that I have read to him, so many that he has totally ignored.

Back to where I was, the process around Bill 162 has been the major flaw, aside from the legislation itself. I do not know how any minister can have the intellectual gall to run around Ontario while a hearing on a bill is going on, while public groups are making presentations, and say: "I don't care what gets presented at the hearings. This bill is going through as it is." That is a minister who does not understand legislation, who does not understand the purpose of consultation.

The minister was arguing with us here earlier in the House tonight about whether he had been in favour of or against hearings. What does it matter when the minister is running around the

province saying, "We caved in to hearings but it doesn't matter because the bill is going through regardless of what anybody says at the hearings"? What kind of democratic process is that?

**Mr Dietsch:** What kind of nonsense is this?

**Mr Charlton:** This nonsense is a result of the nonsense that has been foisted on this House and on the people of Ontario by the Liberal government with this piece of legislation, a piece of legislation that is designed specifically to ignore those it is supposed to serve and to ensure that over the long run, the assessments for compensation purposes imposed on employers in Ontario are reduced. That is what this game is about. That is what this system is about. That is what this bill is going to impose.

One last shot with recommendation 13 from the Minna-Majesky report: This is an important one for the minister to think about when he goes home to bed tomorrow because he is not going home tonight.

"13. That any worker who sustains a serious injury or a debilitating disease linked to the workplace, shall have the statutory right to all rehabilitation required by that worker. Rehabilitation shall be defined as 'to assist workers who have suffered occupational injuries or debilitating diseases linked to the workplace in the process of restoration, to the fullest physical, mental, social, vocational and economic independence to the maximum possible extent.' Serious shall be defined as a situation in which the worker is unable to return to the job within 30 days of injury."

We want the Minister of Labour, and I may even read this into the record twice more before I finish, to dream about this recommended definition in the Minna-Majesky report of what it is a worker should have in the way of a statutory right to rehabilitation and what that rehabilitation should be defined as covering, the scope of its intent.

Just for the record, I will read the recommendation once more.

"13. That any worker who sustains a serious injury or a debilitating disease linked to the workplace, shall have the statutory right to all rehabilitation required by that worker. Rehabilitation shall be defined as 'to assist workers who have suffered occupational injuries or debilitating diseases linked to the workplace in the process of restoration, to the fullest physical, mental, social, vocational and economic independence to the maximum possible extent.' Serious shall be defined as a situation in which

the worker is unable to return to the job within 30 days of injury."

**Mr Speaker,** through you, I impose on the minister a continuing dream until such time as he amends Bill 162 to conform with the definitions of "rehabilitation" that are set out in recommendation 13. I am sure my other colleagues who will be joining this debate very shortly will have many more things to bring to light in terms of the inadequacies of Bill 162.

**Mr Hampton:** I want to say thank you to my esteemed colleague from Hamilton Mountain for his enlightened remarks. He has tried very hard tonight to rehabilitate the Liberal Party and to set it on the right direction. I shall try to further that cause now.

We, as New Democrats, always have hope that Liberals can learn good tricks as well as new tricks. We always have hope that if we continue to harangue the Liberal Party, if we continue to explain this bill to them, they may finally begin to realize what it is all about.

**0120**

That is part of my job, to try to explain what this bill is all about in terms of the part of the province I come from and the part of the province that I represent. I was for part of the time a member of the resources development committee. I sat in on the hearings in Dryden, in Thunder Bay and in my home community, Fort Frances.

I heard very clearly from the number of groups that came before the committee exactly what their concerns were. I think, in fairness, that a number of the government members, a number of the Liberal members on the committee, heard very clearly about the concerns as well. Unfortunately, they were unable to get the Minister of Labour and his bureaucrats and the bureaucrats at the Workers' Compensation Board to listen to what those concerns were.

If the minister had listened and if the bureaucrats at the Workers' Compensation Board had listened, we would not be here tonight. There would be no need to be here tonight because the bill would have been withdrawn. But because the bill has not been withdrawn, I intend to go through, chapter and verse, exactly what was said in northwestern Ontario about this legislation and why it ought to go the way of the dodo bird, and indeed should have gone the way of the dodo bird some time ago.

When the committee went to northwestern Ontario, it had before it in each community representatives of the labour movement, representatives of injured workers, legal clinics and



labour councils. We had everyone who has worked with, or should I say everyone who has been a victim of, the existing workers' compensation bureaucracy and the existing Workers' Compensation Act come before the committee.

We had representatives from the United Steelworkers of America, the Canadian Paperworkers Union, Lumber and Sawmill Workers Union, the Canadian Union of Public Employees, the Ontario Public Service Employees Union, the Amalgamated Transit Union, the United Food and Commercial Workers International Union, the Retail, Wholesale and Department Store Union.

We had lawyers from the legal clinics. We had advocates on behalf of the injured workers' support groups. We had labour councils. We even had, yes, just in case someone thinks it is only the workers themselves, spouses of injured workers who came before the committee to tell the committee what it is like when someone in the family—a husband, a wife—becomes injured on the job and what was a good income, a secure income, a secure living, suddenly goes out the window and your security depends upon the whims and arbitrariness of the workers' compensation system. We had all those groups come before the committee.

The fundamental thing that they wanted to impress on the committee and that I wish we could impress upon the Minister of Labour is that there are parts of Ontario where things like light-duty jobs, where things like other employment that is "suitable and available" just does not exist.

Let me paint the picture for the Minister of Labour. Many of the communities across northern Ontario are one-industry communities. They are based on a paper mill, or on a sawmill, or on an iron mine or on the railroad, or they are based on simply cutting the trees and shipping them out elsewhere. There is no superstructure of employment, no developed secondary economy. You either work in the paper mill or you do not work. You work in the bush on a skidder, or on a Caterpillar or on a logging truck or you do not work.

It is as simple as that in those kinds of communities. Let's take a paper mill as an example. Paper mills in Ontario and elsewhere in the world are not adding jobs; they are cutting jobs. I will use as an example the paper mill in my home community. In 1970 it employed over 1,000 workers; by this fall it will employ 450. They are not creating jobs that will be light-duty jobs. They are not creating positions that we

could term under this act "suitable and available employment;" they are getting rid of them.

Where does someone who is injured on the job fit into this scheme, when the actual number of jobs in these communities is declining or disappearing? Where do injured workers fit into this scheme this act envisions? Let's look at sawmills. As a result of the economy in northern Ontario we have had the sawmills shutting down across northern Ontario. Earlier this spring, 900 jobs went out the window in the home town of the Minister of Northern Development (Mr Fontaine). Where do people who are injured in the sawmill industry go? Where do they find suitable and available other employment? Where do they find light-duty jobs when all the time jobs are disappearing?

**Hon Mr Sorbara:** Read what the statute said about suitable employment. Read the bill. If there is no suitable and available other employment, then the person gets a decent pension.

**Mr Hampton:** What about bush workers? There is no such thing as light-duty work for somebody who works in the logging industry. It is difficult, physical work that every day carries with it all kinds of risks and dangers. There is no such thing as suitable and available other work.

What about the mining industry? What about the mines in Red Lake, Ignace, Hemlo, Timmins or in Sudbury? One does not find light-duty work or suitable and available other work that an injured worker can easily move into. The industries and mines are doing away with those jobs all the time. There are fewer and fewer of them around.

Where do we put injured workers in this grand scheme the Minister of Labour has outlined? We heard from a representative of the United Steelworkers in Dryden and he summed it up very well. What do injured workers in mining, paper mill, logging and sawmill towns do when they become injured? The first thing they can do is drive a cab, and that is what they do.

We should go to a town like Atikokan or Red Lake and see who the cab drivers are. The cab drivers, almost to a one, are injured workers. But there is an economic law that comes into play here, and he explained it for us. In a town like Red Lake or Fort Frances one can have only so many cab drivers. That is the reality of it. Those are the light-duty jobs, the "suitable and other employment" that is talked about in this act. That is all there is.

The alternative after that is to go on welfare. That is why the labour movement is beginning to see this bill, and the scheme of this bill, not as a



workers' compensation system any more but as a degrading and substandard welfare system, a way of taking injured workers who have been part of the social contract and have contributed to society but who have been unfortunate or victims of their employers' carelessness, and throwing them out the window on the human junkpile. That is how many people in the labour movement and injured workers are coming to see this bill.

I will get back to my point. In the largest geographical sections of this province, a big part of the scheme that is envisioned in this bill cannot work, because there is no such thing as light-duty jobs or suitable and other available employment. It just does not fit.

**0130**

A while ago the minister was shouting across the House saying, "Well, if there is no suitable and available other employment, then the person gets a decent pension and gets the highest rate of pension."

I can tell the minister that already that does not happen. If you live in Fort Frances or Atikokan or Terrace Bay or Geraldton or Red Lake or Dryden or any of the other one-industry towns across northern Ontario, already what the board does, even without the legal authority to do it, is say to the injured worker: "Gee, there's a job in Thunder Bay. You can go work in Thunder Bay. You can be a short-order cook. They have a job in the Harvey's restaurant there. You can go be a short-order cook. You sell your home in Atikokan; we know you can only get \$30,000 for it. Sell your home in Atikokan, sell your possessions, move your family to Thunder Bay and try to get suitable accommodation. You try to buy a home there for under \$140,000. You try to find an apartment, and then you try to live on a wage that is a substandard wage."

Maybe the board will pitch in and give you some sort of compensation on top of the wage you will make, but there is no possible way you or your family can survive in any sort of dignity under this kind of system.

That is what the board is already doing. They are saying to people: "Oh, yes, there is a job in Thunder Bay, there is a job in Sault Ste Marie. You move to it." If you are an injured worker and you will not move, because you do the simple mathematical calculations and you say: "This is crazy. This is absurd. This is the most demeaning and undignified thing you can do to me or do to my family," if you refuse to move, if you refuse to go, then what does the Workers' Compensation Board do? They come back to you and say: "You are being unco-operative. We are going to

terminate your benefits. We don't think you are deserving. We don't think your receipt of benefits can be justified any longer."

This already happens, and that is what this bill is about. We can see it already, because after Bill 162 was introduced, and as Bill 162 has moved along, and as the minister has repeatedly said that he will have Bill 162, the local bureaucrats of the workers' compensation system have, step by step, started to introduce it, push the provisions and push the program that would be available under this bill further and further. We have seen more instances of workers being told: "You must move even though where you are going we cannot guarantee you a job. We cannot guarantee that you and your family will be able to survive." We have seen more and more deeming already.

I want to say quite clearly to the minister that what he envisions in this bill just cannot function and cannot work in a very large section of Ontario. It will do some of the most demeaning, unjustifiable and unfair things that any piece of legislation has done in terms of discriminating against workers, in terms of discriminating against people who have been so unfortunate as to suffer an injury on the job or to suffer at the hands of their employer's negligence.

I want to say that it would do the Minister of Labour some good to spend some time in some of our communities. I would like to take the minister on a tour just of the neighbourhood I grew up in. My father is a workers' compensation case. I am not even sure the WCB would compensate him for some of the things that happened to him in the paper mill industry. He was gassed twice by chlorine gas. I am not even sure the workers' compensation system would necessarily recognize that, because other workers who have been gassed by chlorine and who have suffered long-term difficulties as a result of chlorine have had an endless fight with the Workers' Compensation Board to have the eventual injuries and the eventual disability they have suffered recognized. The board keeps saying: "No, it's something else. It's not related to the chlorine gassing that you suffered."

I would like to take the minister on a tour of that neighbourhood. My parents' next-door neighbour, for example, lost three fingers on one hand in a paper machine. Further down the road, you find other folks who live in very demeaning poverty. You work in the logging industry, you suffer a back injury and no one will hire you. No one is interested. No one wants to take you on any more. So you scrape by on simple and unrealistic workers' compensation benefits as



they are now, unrealistic and completely unsuitable to the needs as they are now, and they will be reduced under this legislation.

So I wish the minister had been able to come with us, not just the members of the committee. It was pretty clear by the end of our hearings that some of the members on the committee, though they would not admit it publicly, privately were convinced that this legislation is bad legislation and that this legislation will create more problems than it could ever hope to solve.

That is the general background this legislation runs up against, that it hits up against, when you compare it to the real economy of the northern part of our province. That is the reality of the issue: that you do not have light-duty jobs, you do not have suitable and available other employment.

Beyond that, beyond the special conditions of northern Ontario, all the people who appeared before the committee pointed out time and time again that it was not just this that was bothering them. It was not just that there was going to be a special unfairness for those people who live and work in one-industry towns; it was the whole process that was involved with Bill 162.

As we went across northern Ontario, we asked members of trade unions, we asked trade union representatives, we asked the lawyers from the legal clinics, we asked the injured workers' groups: "Did anyone at any time write to your group or come and speak to your group and consult with you about this legislation? Did anybody come to you and ask you, the people who have to work your way through this legislation, the people whose lives will be controlled by this legislation, what you thought of this system, either in writing or in person?" To a one, their reply was a universal no. Nowhere across northern Ontario could we find an organization which, through the compensation board bureaucracy or through the Ministry of Labour bureaucracy or through the political machine that is known as the Liberal Party, could say it had been consulted on this legislation.

**Miss Martel:** There aren't any.

**Mr Hampton:** That was the conclusion we were forced to draw: that there simply was no one in northern Ontario who had been consulted on this bill; no one in the labour movement, no one from injured workers' groups, no one from legal clinics. This legislation, which is intended to change a fundamental part of our social contract in the labour field, was something that the Minister of Labour and his bureaucrats had not sought working people's input on whatsoever.

0140

I think we have to recognize that that is one of the absolutely fundamental flaws of this legislation. If the government wants to bring in a new form of auto insurance, if it wants to change the contractual structure of auto insurance in the province, then fine, let it try to do that. Let them do that, because auto insurance is not, in the end result, a social contract. It is not, in the end, a fundamental agreement between two social groups in our society. Auto insurance is fundamentally about contracts, about buying and selling a service.

But workers' compensation is not about the buying and selling of a service. It is not how much it takes to buy off someone who has been injured on the job, it is not how cheaply you can throw them in the garbage can, but that is how this is being handled by this government. This government thinks it has the unilateral right to say to workers who have contributed, in many cases, 30 or 40 years of their life to our economy and to our society: "Out the door with you. Take your pittance of a pension and get out of here."

That is what is so universally disliked about this legislation, that the government pretends, the government assumes, the government in its arrogance demands that it has the right to wipe out what has been one of the fundamental social contracts of our time in terms of preserving labour peace and in terms of preserving some semblance of fairness in our society.

**Mr Ballinger:** Don't overestimate our worth.

**Mr Hampton:** The member from the Liberal rump says, "Don't overestimate our worth." I can only say I have never overestimated the worth of the Liberal rump. There will be no possibility of that.

**Mr Reycraft:** If that member is a rump, how about this member?

**Mr Hampton:** I will admit that there are a lot of Liberal rumps here today. There is a rump over here and a rump over there, and that is about the most I can say for the contribution of the Liberal Party here tonight. When the rotation has come around to them and they have had a chance to speak with some eloquence on this issue, they have all declined. They would rather make their comments from the sideline in some inane way. If they have something to say about this legislation, please say it.

**The Speaker:** Order. I think it is maybe time we come back to order. A number of members are not in their own seats. They have been interjecting, and that is completely out of order.

The member for Rainy River may wish to continue on the matter that is before the House.

**Mr Hampton:** I was discussing rather briefly the whole issue of consultation. The fact is that what we are dealing with here is, again, not some kind of switching around of the power to buy and sell, and who can buy into this contract and who can sell that contract. What we are talking about here is a fundamental type of compensation system in our society; a fundamental system of compensation that has been worked out over time to preserve labour peace in our society, to ensure that those people who have contributed to our society and yet have become the unfortunate victims of our society are not written off.

It has been a system that was arrived at with some difficulty earlier in our political history in this century, but now, after 70 years of a system that has not always worked well but, we would argue, has progressed somewhat and has gotten better, this government wants to unilaterally change the system to the detriment of one of the groups—I would argue the group that this system has existed for—without even consulting with that affected group, the injured workers of this province.

That is so fundamentally wrong. It is so fundamentally wrong. I can only say to the Liberal members of this House that they should understand why they almost had a riot here last spring. They should understand why so many injured workers came here in such anger. They should understand why those same people continue to be very angry about this legislation, and will be very angry when it is passed. The government cannot unilaterally change something which is so fundamental to our society and so fundamental to the way we have tried to maintain a semblance of fairness and peace between employers and employees without trying to consult with the party which is going to be most affected and the party that may be most unfairly treated by it all.

What the groups also said when they came before the committee, and what they find so distasteful, was that earlier in this government's short lifespan, when it decided it was going to make changes that were even less fundamental than this, in terms of the disadvantages that could be rendered on people; earlier in this government's short lifespan, when it decided to make fundamental changes of this type, it was willing to open the legislative process up very early to public hearings, not only public hearings but full public hearings.

I am speaking now about the public hearings that were held in connection with Bill 30 dealing with separate schools, and the public hearings that were held in the extra-billing debate. This government was willing to go the full route on those types of changes. It was willing to listen to everybody. It was willing to listen into the night to all kinds of groups.

Interjections.

**The Speaker:** Order. The member for Sudbury East would please refrain.

**Mr Faubert:** She's not in her seat.

**The Speaker:** She is not the member for Algoma (Mr Wildman). The member for Rainy River may wish to continue.

**Mr Hampton:** As I say, here we are at 10 to two, and now that all of the listeners have likely turned off their television sets, suddenly the Liberal Party comes to life. I can only say that so far I have not heard any worthy comments, and it is probably best that these were not recited earlier for public consumption.

Earlier in this government's short lifespan, it was willing to hold public hearings and listen to all sorts of groups, but suddenly, when it comes to this bill, this bill which makes, as I said, a very fundamental change in the workings of the relationship between employers and employees, initially this government did not even want to hold public hearings.

Interjections.

**The Speaker:** Order.

0150

**Mr Hampton:** One of the things I like in dealing with the Liberal Party is that you have to recite everything over for them four or five times. If we have to go through a painful recitation of what the Minister of Labour said and did not say and then forgot that he said and then was not sure what he said and then changed his mind, we can do that, because many of us were here and many of us remember exactly what happened.

My colleague the member for Sudbury East as soon as the legislation was announced asked the Minister of Labour if he would commit himself and commit the government to holding full and open public hearings on this. We went through at least a week of the Minister of Labour dodging and weaving and trying to say that the legislation would be dealt with in due course and that the standing committee on resources development or the committees could do this by themselves.

**Mr Reycraft:** Did he refuse?



**Mr Hampton:** Yes, he did refuse.

**Mr Furlong:** We challenge you to prove that.

**Mr Hampton:** When asked further about public hearings, the minister said he did not think there would be time for public hearings, because he needed the bill right away.

**Miss Martel:** He wanted the bill by December. You want some proof? You've got it. This is the third time we have read this out tonight just to prove that we are right, but we will do it again.

**Hon Mr Elston:** Newspapers are always right.

**Miss Martel:** I would not know, Murray, but I know what he said and he said it to me in private, as well.

**Mr Hampton:** The comments of the Minister of Labour on this were not any great secret. He was asked several times in this Legislature to commit himself to public hearings. He would not do so. He was asked outside the House by injured workers' groups to commit himself to public hearings. He would not do so. Our House leader had conversations with the government House leader asking that the government commit itself to public hearings. It would not do so.

Then we had a demonstration where some of the demonstrators became a bit vociferous and wanted to express their frustration with the government. Lo and behold, the next day, and only the next day, did the government change its mind and indicate that hearings might be possible, that sending the bill out to committee might be possible. But when the legislation was first introduced, this government showed no interest whatsoever in listening to and in hearing from those injured workers throughout the province who would be damaged and whose interests were at risk with this legislation.

If the government has found that there are some people out there who are very angry with the way this legislation has been handled, it can blame it only on itself. Neither we nor the Progressive Conservative Party have the numerical capacity right now to—

**Hon Mr Elston:** You do not even represent the rate of inflation.

**Mr Hampton:** The member who calls himself the Minister of Financial Institutions wants to get involved in the debate about the interest rate and the inflation rate now. I can only say to him, through you, Mr Speaker, that he should really look after the rate of increase of auto insurance. If he did that, he might be accomplishing something.

**Hon Mr Elston:** There we've got it. You've got to be a member of the NDP. Let's get on about the cheaper interest rates. The NDP buys you cheaper interest.

**The Speaker:** This might be the appropriate time to remind the members that we have been discussing a matter for quite some time, and I think it would be in order if we allowed the member to continue.

**Mr Kormos:** On a point of order, Mr Speaker: The Minister of Financial Institutions is concerned about the MasterCard that is going to be available to NDP members for, I believe it is, \$10. We can sign him up right here and now.

**The Speaker:** Order. Would the member take his seat?

**Mr Kormos:** I am sorry. My apologies, Mr Speaker.

**The Speaker:** With respect, would the member take his seat? The member for Rainy River.

**Mr Hampton:** Finally, after the government was talked into, shall we say, sending the bill out to committee, we received through the clerk's office demands and requests by hundreds of groups to appear before the resources committee to present their point of view and their criticism of the legislation.

This government, which has prided itself—or says it prides itself—on being an open government and being a government which does consult and being a government that is concerned with the viewpoint of the public, this government, which announces this so often, decided through the Liberal members on the committee that not everyone was going to be heard, that there was not going to be a full and open consideration, that there was not going to be a full hearing for everyone who had something to say about this legislation.

To test the government's commitment to openness, to consultation, in all of the communities we went to, we put the motion before the committee time and time again that those groups from that community that had asked to have an opportunity to make a submission before the committee but could not get on the list, those groups that were very interested and had something to say should be allowed extra time or should be allowed additional days when the committee could come back to hear them.

But we saw very quickly how shallow the government's commitment was, because time and time again the government members on the committee voted down those motions. If the schedule for the day was filled up and there were

other injured workers' groups or spouses of injured workers or labour councils or particular unions that wanted to make a presentation on the bill, the Liberal members on the committee voted against hearing them.

So I say again to the Liberal members who are here now that they should not be surprised that there are a lot of people out there who are angry at them. They say they are interested in open government. They say they are interested in consultation. They said in the committee hearings on this that they wanted to hear from the groups that were interested in it, and yet day after day, time after time, when motions were put to have full hearings, to hear all the groups that wanted to make a presentation, the Liberal members on the committee voted against it. So they should not be surprised that there are people out there who are angry with them.

**0200**

I have already talked briefly on the fact that this legislation in very fundamental terms betrays a social contract that is quite important to our society. The leader of my party referred to that earlier this evening, but because we are trying to educate Liberal members here I will go through it once again, because hopefully some of it might seep through and those opposite might understand that this is not simply changing an insurance contract or changing the rules about how you buy your insurance or what kind of insurance you can buy. We are dealing with something much more fundamental here.

I will go through it again. Go back before and beyond the Workers' Compensation Board, go back before and beyond the workers' compensation system. Before workers' compensation ever existed, employees who were injured on the job, like anyone else who was injured as a result of the negligence of someone else or as a result of the activities of someone else, had the right to sue. They could sue their employer or, in some cases, the management.

They could sue, because there was no differentiation between being injured on the job and being injured walking down the street. There was no differentiation between having a piece of equipment fall on you while you were at work and having something fall on you as you walked down the street as a pedestrian past a building that was being constructed. There was no differentiation. If you as an employee could prove the necessary elements of a tort action in the same way that someone as a pedestrian who was struck by an object could prove the necessary tort elements, you were entitled to damages.

For a lot of reasons, employers did not like that system. Employers did not like it, because you could be a small employer and as a result of your negligence one of your employees could be injured and you could lose everything in a lawsuit. You could lose your business, your home, your total income, your total livelihood, simply in terms of the damages that might be assessed against you.

So employers did not like that system in terms of its workings in the workforce, because many of our workplaces are quite dangerous. They were quite dangerous then; they are even as dangerous today. All we need to do is review the number of workers who are killed on the job, the number of workers who are disabled on the job, the number of workers who suffer even today the kinds and volumes of injuries on the job.

Workplaces across our province were then and still are today, by necessity some would say—we would disagree—quite unsafe. There was a very high risk of injury on the job and there was a very high risk that the employer would be sued. Employers did not like that system. Employers wanted a different system as much as employees wanted a different system. As we know, that kind of tort law meant in many cases that if you could not prove causation or if you could not prove negligence, no matter how severe your injury, you as an injured employee might receive nothing.

The important point is that there was a coming together of employees and employers in terms of a fundamental problem, and an agreement that there had to be a better system and a different system, so we arrived at the workers' compensation system that we have had for some 70 years. The leader of my party has reviewed earlier that it has not been a satisfactory system all of the time, but that through progressive changes it was becoming a better system.

But the important element in all of those progressive changes was that those progressive changes were never imposed unilaterally by the government or never imposed unilaterally by the government after listening to only one side. Perhaps that is why the changes were so piecemeal. Perhaps that is why they came along in a very evolutionary sense, very slowly.

But if you are interested always in preserving the social contract, if you are interested in preserving the interests of both of the important parties in this system, then you will always consult and the consultation process will necessarily mean that it will be a slow one.



For the first time ever, we now have a government coming along and having no consultation with the workers who will be the victims in this and whose interests are so tied up in this; no consultation with them whatsoever. Now we have a government which intends to unilaterally change the fundamentals of this system without that consultation.

This Minister of Labour and this government wonder why they have so many people angry at them. It is much more fundamental than just a reworking of the auto insurance system. It is much more fundamental than even the banning of extra billing. After this legislation has been passed, this government will learn the hard way how difficult it is to arrive at labour peace in our kind of society and how difficult it can be to preserve it. But that will fall on the government. They will be the people who will be blamed for that and they will have to deal with it.

Those are the things just in terms of process that so many people across the province have found very disagreeable and, if I can say, in some quarters, have caused a great deal of anger and disgust with this government.

Let's move to the fundamentals again of the legislation.

**Mr Kormos:** Excuse me, Mr Speaker, I am concerned about the lack of a quorum here.

The Acting Speaker (Mr M. C. Ray) ordered the bells rung.

0207

**Mr Hampton:** That is very good, Mr Speaker. That quorum call has nicely punctuated the first half of my speech. I can now move into the second half.

In terms of the substance of this legislation, we have recited time and again the four essentials of this legislation that we find so disagreeable. I think the point that needs to be emphasized is that the points that we have found so disagreeable are not the things we found ourselves immediately. They are things that injured workers and the labour movement in general have found disagreeable and came to us and said: "Look, these are the reasons why this legislation is so abominable. These are the reasons why this legislation cannot be fixed. These are the reasons why this legislation has to be withdrawn."

Let's look at them. The first is the dual award system, which will result in smaller pensions for injured employees and, as the minister wants to say, will result in additional benefits being available to some workers and less benefits being available to other workers because, as he has it envisaged, some workers will be able to find

suitable and alternative employment. That is the first thing that we find so objectionable.

I have delineated some of the reasons why we find it so perverse. In many cases, there simply will not be suitable and available other employment; it will not be there. In too many other situations, if it is there, it will not be readily available. For many people in this province it will mean perhaps having to leave the communities where they have lived and worked and move several miles away into a local economy which is in many cases not nearly as secure or as generous as the one they have left. We do not think that will work at all.

The second thing that we find so objectionable is that while the Minister of Labour has said over and over again that as a result of this bill rehabilitation will become a right, we can find nowhere in this legislation wording which ensures that rehabilitation will become a right for an injured worker. There is no right to rehabilitation under this legislation.

What there is is a lot of discretion in the Workers' Compensation Board to grant rehabilitation, if in its opinion it feels it is suitable. More power, more potential for abuse by the Workers' Compensation Board, which is already known for its arbitrariness and for its abusive treatment of injured workers.

The third element that we have found so objectionable is where the bill talks about the reinstatement of injured workers, their right to go back into the employment of the employer. The right to be reinstated is so truncated as to be almost meaningless and it is certainly less of a right, if it can be described as a right at all, under this bill that it is under the Human Rights Code. That again speaks to the fundamental wrong of this legislation.

If someone has been an employee who has worked for an employer, as I have said, in some cases for 20 or 30 years, who has been a contributing member of society and who then suffers an unfortunate industrial accident, that he should have less rights under this act than he would have under the Human Rights Code to me represents a degradation of all working people, a degradation of the value of work, a degradation of the recognition that working people are deserving of, a degradation of the contribution that working people make in our society. You have less rights under this legislation that you have under the Human Rights Code.

Finally, as we have said over and over again, what this bill does is give more discretionary power and more arbitrary power to the Workers'



Compensation Board than it has already. If the Minister of Labour wants to know how injured workers out there already regard the board, he should simply go to a union hall some time where there is a gathering of injured workers and ask them about their experiences already with the Workers' Compensation Board. If there is one thing the board is known for, it is the arbitrary way, the abusive way, it treats injured workers and the way it has treated them in the past.

Injured workers will point to those sections of the existing Workers' Compensation Act which say, "If the board considers it appropriate," "if, in the board's opinion," "if the board deems it to be appropriate in the circumstances." Those are the weasel words—that is what they are—that already upset injured workers all across the province. Yet if you look at this legislation, at Bill 162, you find those words "in the opinion of the board," "in the board's consideration," "in the view of the board," over and over again.

Injured workers who have read the legislation have not taken very long to decide that this bill has nothing to say about fair treatment of them; it has everything to do with creating an ever more authoritative and ever more powerful and arbitrary Workers' Compensation Board than has ever existed before.

Some of the Liberal members who were on the committee will remember this. A CUPE representative in northwestern Ontario came before the standing committee and after criticizing Bill 162 and pointing out everything that was wrong with it, she said to us: "But you know, if you really are going to pass this legislation and you're bound and determined you have to have it, after you've passed it, if you find yourself in the situation where you are looking for a new chairman of the WCB, then please appoint me. Please appoint me because I've always wanted to play God with other people's lives."

That is how they see this legislation. They will tell you: "Get rid of it. We don't want it. It's bad legislation. But if you have to pass it and then you want somebody to oversee and implement it, then"—as this one person said—"appoint me because I've always wanted to play God with other people's lives." That is how injured workers across the province see this legislation: giving more arbitrary power to a board which already abuses what power it has.

I want to zero in—

**Miss Martel:** Are you okay for a while?

**Mr Hampton:** Yes. I want to zero in on one of the minister's pet comments. Since this legislation was introduced, the Minister of Labour has

time and again spoken about the so-called overcompensated worker. When he first introduced the legislation, he said that one of the justifications for the dual pension system was that he wanted to do away with the so-called overcompensated injured worker. It is as if, in the Minister of Labour's mind, there are a bunch of injured workers out there who suddenly have become wealthy from the workers' compensation system.

I want to say to the Minister of Labour that if he had come across Ontario with the committee and listened to the submissions, he would have found that the so-called overcompensated injured worker is a myth and nothing more than a myth. But since he did not come with us and since he obviously did not listen to the Liberal members of the committee and what they heard, I will take him through that as well.

**0220**

As I said, the minister has made it clear that Bill 162 is based on the concept of the overcompensated injured worker. His proposition that fairer compensation will be cost-neutral is based on the contention that there are a significant number of workers who are overcompensated, a significant number of injured workers out there who are overcompensated by the existing workers' compensation system.

By taking away from this class of so-called overcompensated injured workers, it is his contention that enough funds will be allegedly generated to provide for compensation to the class of workers who are undercompensated by the current system. The concept of the overcompensated injured worker is a fiction, not reality because, first of all, injured workers must live with their permanent disabilities, not only during working hours, but 24 hours a day, seven days a week, year-round.

In addition to the pain, the discomfort and the loss of ability to enjoy life outside of work as fully as before, there are a number of economic losses associated with permanent disabilities. I want to go through some of those.

First, an injured worker may return to work at no apparent wage loss, yet no longer be able to perform tasks in his home life which have an economic value. For example, before the injury a worker may have been able to paint his house, but after the injury, the worker is unable to do that. So the injured worker then has to employ someone else, in some cases at significant loss to him, to come and paint his house.

I realize that for people associated with the Liberal Party, that is not a problem; they can



always arrange a house painting job. That is not a problem for people on their side of the House; they can get somebody else to do it—a freebie. But for a lot of injured workers out there, that is a problem; that is a serious problem. So as an injured worker, you have to pay someone to conduct the work on your house or conduct the work on your yard or your car. Those are additional expenses that result from the workplace injury that we have to take in as a calculation.

Second, also, while an injured worker may manage to maintain his pre-accident income, he can often be working harder to overcome the limitations placed on him by the disability; limitations in mobility, dexterity and productivity which translate into loss of opportunity for promotion and restrictions in availability to work overtime or to take on a part-time job.

One of the things I spoke of earlier in terms of a context I know of is pulp and paper workers who suffer from chlorine gas poisoning. One of the short-term consequences, and it also turns out to be a long-term consequence of chlorine gas poisoning, is that you simply tire earlier and you lose stamina. It is something that can be quite long-lasting. In fact, I venture to say that it is one of the workplace injuries that the medical community will study more and there will eventually be a decision that it can result in a very severe disability that is very long-lasting.

One of the outcomes of chlorine poisoning in a pulp mill environment, for example, is that you may not be available to perform overtime work or you may not be available to perform work which requires more exertion, a greater attention span or simply greater stamina on the job. You are written out of those jobs because of your workplace injury, but you do not get compensation for those things. You ought to be compensated for them. Certainly, under the legislation this Minister of Labour has introduced, you will not be compensated for those kinds of additional losses.

A third type of economic consideration which ought to be calculated but which the minister wants to ignore is that the periods of unemployment of a permanently disabled worker are likely to be more frequent and prolonged than those of a worker who, all other circumstances being equal, does not have a disability. In the event of a layoff, injured workers face greater difficulty in finding re-employment. The real economic impact of the injury may often become evident only years after medical recovery from the injury.

Let's take the mining industry, the pulp and paper industry and the sawmilling industry. The fact of the matter is that jobs are being lost in those industries in almost every community across northern Ontario where you find those kinds of industries. An employee who may have been injured five years ago on the job and who was able to go back to work may find himself eventually unemployed again. Then the full impact of his injury may come to him, because when he goes out to try and find a new employer he may find himself much less in demand as a result of the workplace injury he has suffered in the past, and it may be very difficult for him to catch on with a new employer.

I would suggest to the Minister of Labour there is no "may" about it; it is reality. Again, if he had come with the committee, if he had listened to what the committee heard, he would find that in many parts of this province, once you are an injured worker your chances of finding new employment with another employer are minimal. That is not number crunching from his bureaucrats; that is just the reality injured workers face, and they will tell him that.

The fourth aspect of economic loss that this legislation overlooks is this: Injured workers also miss more days off work because of their disability. The brief interruptions of employment, ranging from a few days to weeks or months, and their consequential loss of income are often not recognized as being compensable by the Workers' Compensation Board.

These are four ways in which injured workers may face economic loss as a result of workplace injuries. This legislation does not acknowledge it; in fact, it ignores it altogether.

It is utterly inappropriate to suggest that permanently disabled workers who return to work at a level of income similar to the pre-accident one or even greater do not suffer a loss and are overcompensated by the award of a pension which, in most cases, ranges anywhere from one to 10 per cent of their pre-accident income.

**0230**

That is the other travesty in all this. The worker who has suffered a workplace injury and then is able to return to work does not receive some pot of gold from the workers' compensation system. The pensions that are received are very minimal pensions. No one is going to become wealthy as a result of these pensions. Go anywhere in Ontario and find someone who is receiving a permanent pension and I challenge you to show that any of them can be termed



wealthy in any way. It just does not happen. Workers' compensation pensions are too meagre to make anyone wealthy, are too meagre to support the conclusion that those injured workers are overcompensated.

To further suggest that if we take away those permanent pensions, these pensions will suffice to fully compensate workers who are insignificantly overcompensated is absurd. What the minister's myth of overcompensation is based on is that somewhere out there there are injured workers who have loose change in their pockets, who have more money in their pockets than they need. He thinks the existing system of pensions is that generous.

For the sake of argument, let's assume that overcompensated injured workers are all those who return to work with a total income, plus pension, that is greater than their pre-accident earnings. Call the excess "overcompensation" that can be redistributed.

How much money are we talking about? Let's look at some of the facts from the board's own studies.

In 1981 the board did a survey of current earnings in permanent disability claims. Excerpts from the board report on this survey are included in appendices, and I will read through them if some of the members want, but the board found that 40 per cent of injured workers who are receiving lifetime pensions are unemployed. The board found that 70 per cent of these unemployed injured workers had pension ratings of 20 per cent or less: 20 per cent or less, and they are unemployed. In other words, they are living in poverty.

The report suggests that their unemployment must be due to reasons other than their compensable condition. However, the truth was revealed in the course of the pension test case at WCAT. The real problem is that the rating schedule is arbitrary and that there are seriously disabling conditions that the board has refused to compensate.

"Referring to the rating schedule that was noted, the fact is that there is no scientific basis for the selection of these particular percentages. There does not appear to have been any attempt, either in Ontario or other parts of Canada or elsewhere, to develop empirical data as to how each particular mutilation or injury impacts on any average sample of the unskilled worker population."

The Workers' Compensation Appeals Tribunal also identified the gap in the compensation system: "The board's failure to compensate for

disabling chronic pain that results from an accident but exceeds the level explained by diagnosed physical and psychiatric conditions." WCAT noted, "There is a significant risk of such a condition developing as a result of any industrial injury."

How much overcompensation is there out there to be redistributed?

**Mr Dietsch:** I give up. How much?

**Mr Hampton:** The board gave some figures. This is the board speaking: It projected that about 80 per cent of permanently disabled workers assessed in any year return to work at no loss of wage. The example estimated 10,000 pension awards for this year at a cost of \$500 million. Therefore, about \$400 million is freed up to redistribute to the undercompensated injured workers.

The board says that these projections are the best sense it can get from looking at other jurisdictions. Although the rate of overcompensation is the essence of the proposal, the board had nothing sure to present other than the sense it got from discussions with other jurisdictions. In place of hard data, there were only guesstimates and a sense offered.

It is necessary to look at the board's own records, and I go back. The board's 1981 summary shows that 56.8 per cent of injured workers returned to full-time work; only 56.8 per cent of injured workers returned to work full time. This is not inconsistent with the figures shown in the board's annual reports every year, which indicate that about half of the injured workers referred to vocational rehabilitation are returned to work.

While this might suggest that there is a large pool of pensions that could be redirected, that is simply not the case. The board's survey found the average disability rating of these injured workers to be 14.4 per cent. It found their average wage loss to be 13.4 per cent. Therefore, on average, injured workers who return to work full time are overcompensated to the extraordinary amount of only one per cent. This is a far cry from the 80 per cent of current permanent disability awards the board describes.

It would appear that when you really do the serious number crunching, there is really no money out there to redistribute from the pockets of the so-called overcompensated injured workers. It just is not there, if you look at the data and examine it carefully.

I want to give the minister some concrete examples and ask him if he really believes, after listening to some of the concrete examples, that



there are these so-called overcompensated injured workers out there.

Let me give the Minister of Labour this example. It is a real-life example that happened in one of the communities in my riding. It happened to a 26-year-old woman only a year ago in a pressboard plant in Atikokan. She suffered a horrifying accident when she was working alone one night.

She was 26 years old. She was working alone, and her leg got caught in an auger, which is used to grind down some of the wood product. The leg was caught in the auger and the auger shredded her leg and ripped it away from the rest of her body. Somehow, after her leg was ripped off, she managed to crawl off the platform and over 100 feet, through the dirt and muck, until she collapsed. Fortunately, she was discovered by a co-worker before she bled to death, and she survived.

I do not know if I have to fuel the imagination of the Minister of Labour about the incredible trauma this young woman has experienced and the effect it has had and will have on her personal life. Suffice it to say that it has been a very bad incident for her and it continues to be a very bad incident. But let me say this: Thank God, for her sake, that this injury did not happen after Bill 162 is proclaimed in force. I am going to give members some of the comparisons of the benefits she is entitled to now, before Bill 162 comes into force, and the benefits she will be entitled to afterwards.

Under the existing act, when representatives from the Canadian Paperworkers Union sat down with workers' compensation officials to do some calculations, they calculated that this 26-year-old woman will receive permanent compensation of about \$20 a day for the loss of her leg. Every time she adjusts her artificial leg or tries to hide it or withdraws from what would be some otherwise normal activity because of her leg, she will have that day \$20, indexed so that it does not lose value. That is her compensation for the loss of her leg.

**0240**

Is there anybody in this House who would like to exchange his or her leg for \$20 a day? Anybody? How about \$100 a day? What would be fair compensation for a leg?

Again, to emphasize what is so unfair about this, if this young woman had been walking down the street and she had been hit by a car which resulted in the loss of her leg, what would her compensation have been? What would her compensation have been, assuming that the

driver was insured? I know it is becoming less and less a likelihood in Ontario today that the driver would be insured. The government is doing all it can to ensure that the automobile insurance system does not work either.

**Mr Callahan:** What if she was in one of those provinces where there was public auto insurance?

**Mr Hampton:** The member for Brampton South wants to engage in a debate on automobile insurance. She would at least be assured that all the drivers in the province were covered by automobile insurance, which is something we cannot say today in Ontario.

The fact of the matter is that even the existing workers' compensation system does not treat injured workers with the generosity they deserve; it does not at all. This example proves it; \$20 a day is what this 26-year-old woman will receive for the loss of her leg.

Let's do the same calculation under Bill 162. Because this young woman is made of stronger stuff than most of us, she has made a wonderful recovery. She has been fitted with an artificial leg and she will likely return to work some time this fall, and she will earn what she earned before the accident. At that point under Bill 162, she will fall into the category of what the Minister of Labour calls the overcompensated injured employee.

Bill 162 will severely cut back the benefits of this victim. This victim who is getting \$20 a day for the loss of her leg would have those benefits cut under Bill 162. If the same accident happened to her after this bill were passed, she could expect a lump sum that would amount to slightly more than \$2 a day for the rest of an average lifetime.

I want to say to the Minister of Labour that CPU representatives sat down with workers' compensation officials and said: "Let's give it the best estimate here. She is a strong and determined young woman. She is going to be fitted with an artificial leg. She is going to go back to work and receive her past income. What is she going to get from benefits under Bill 162?" That was the calculation they came out with: about \$2 a day.

Let's say it is \$5 a day. Let's say it is \$7 a day. Is that adequate compensation for someone who has lost a leg, some 26-year-old person who has lost a leg in an industrial accident? Is she what the minister refers to as the overcompensated injured worker? It is quite clear to us that that is the category she falls into.

**Hon Mr Sorbara:** Do another scenario. She's not able to work. Figure that one out, Howard.



**Mr Hampton:** I would invite the Minister of Labour to come to Atikokan with us and look at that young woman and tell her that she is overcompensated. He should try to tell her that the \$20 she is receiving for her lost leg is overcompensation.

Unfortunately, this saga does not end there. Even if this young woman is not able to return to work and get paid what she was making before the injury, would the future wage-loss benefits she is going to get truly make up the difference? Not at all. Let's go through the calculation.

First, she sustains a permanent 10 per cent loss of net income. That is a penalty because workers' compensation does not pay you 100 per cent of your former income. Right away, the value of your livelihood is discounted 10 per cent right off the top.

Second, her Canada disability benefits will be deducted from her wage-loss benefits. So not only do you suffer a 10 per cent reduction right away because workers' compensation does not believe you are worth what you were worth before when you could work full-time, but you suffer the 10 per cent discount and then they go after your Canada disability benefits as well.

Finally, those future wage-loss benefits are uncertain in the extreme, because now we have deeming, the phantom job. I spoke earlier about this job the board could refer to in Thunder Bay or the job it could refer to in Sault Ste Marie and say: "You ought to go take that job. This is how much you would make if you took that job." That is where this wonderful section about deeming and phantom jobs comes into play.

The board, under Bill 162, after reducing what would have been a benefit of \$20 a day for a lost leg to \$2 a day for a lost leg and then taking away your Canada disability benefits as well, can then come back to you and say that you should be able to do this job in Thunder Bay, and it can reduce your benefits by whatever money you should be able to make by doing this phantom job in Thunder Bay.

I said earlier that the board is already doing the phantom job routine, because it has been the experience of workers' compensation claimants across northern Ontario that the rehabilitation services will use this a lot. They already do. Rehabilitation services will go to permanently injured workers who cannot return to their former employment and will deem them capable of performing this suitable employment that is available elsewhere.

I just want to reiterate this again, because we are dealing with a real live person here. We have

this 26-year-old woman. She has had her leg shredded and torn off. Let's assume she is not able to go back to work. First of all, the board says, "We're only going to pay you 90 per cent of what you got before and no Canada disability benefits." But then they say to her, "There is this job in Thunder Bay you can take."

She goes back to the board and says: "Yes, I know there is this job working as a short-order cook or maybe there is a job working as a security guard in Thunder Bay, but I have a house paid for in Atikokan. The most I can get for this house in Atikokan is perhaps \$30,000 or \$40,000. The least I can buy a house for in Thunder Bay is over \$100,000. If I want to take an apartment in Thunder Bay, I can't find an apartment for less than \$500 a month. The cost of living in Thunder Bay is much more than it is here. I have all those things to worry about."

**0250**

Does the board listen to those things? Does the board consider those things? Not on your life. The board does not want to hear about that. The fact is that there is this deemed job. You can go and take it. This is what you would make if you took that job. If you do not want to take that job, they can deem you as receiving that income in any case, or they can simply cut you off altogether for being unco-operative, which they do altogether too often now.

I say again to the Minister of Labour that if he wants to see how this works in the real world, he should come up to northern Ontario, take a walk around our towns and try to see what alternative employment there is in many of those towns, outside of driving a taxi.

If this young woman were not able to find suitable work in Atikokan, I do not believe for one second that the Workers' Compensation Board would continue to pay her full wage-loss benefits for the next 39 years until she reaches age 65. I do not believe they would pay those full benefits for the next 39 years, because they do everything they can to get away from paying those full benefits now, without Bill 162. All the Minister of Labour does in Bill 162 is give the board more power to use those deeming provisions.

**Hon Mr Sorbara:** Howard, you are so far off the mark.

**Miss Martel:** No, you should read it again. They would deem her long before that. They wouldn't let her sit on those benefits for 39 years. My God, get serious. Don't you know what's going on? You should have been in on the hearings.



**Hon Mr Sorbara:** So you are saying that if she were to be paid benefits up until age 65, you would be happy. Is that right?

**Miss Martel:** We'd like to see her get proper rehabilitation, but there is no guarantee of that either in this bill.

**The Acting Speaker:** Order.

**Mr Hampton:** It seems that the Minister of Labour wants to engage in this debate without paying us the courtesy of standing in his place.

Again, for the benefit of the minister, I merely want to run the example by him again. The Minister of Labour asks if we would be happy if she were paid for 39 years. I can only say to the Minister of Labour that if she walked out of a hotel, slipped on the sidewalk of the hotel and fell and injured her leg, she would receive those benefits for the rest of her life, would she not?

**Hon Mr Sorbara:** You prefer the system that pays \$20 a day, and that's too bad.

**Miss Martel:** You're saying she is overcompensated, and she is not.

**The Acting Speaker:** Order, please.

**Hon Mr Sorbara:** I am saying it is a very different system and you have not opened your eyes to it.

**Mr Hampton:** The Minister of Labour, I am sorry to say, finds it very convenient to miss the forest for the trees. That has been one of his problems with this legislation throughout. He seems to be able to miss the main point and pick up on some of the trivial ones.

The point is that we have said time and time again that, yes, the workers' compensation system does need some reforms. We have offered and the Minna-Majesky report has offered, for the benefit of the Minister of Labour, several recommendations as to how the legislation ought to be amended. We do not find them in this bill.

I have just given the Minister of Labour an example of how unjust the scheme that is outlined in this bill would be in the treatment of an injured worker. If he wants to ask whether we prefer the \$20-a-day pension to a \$2-a-day payment, yes, we do. We do not think the \$20 payment is in any way adequate and we do not think it is just, but compared to what the minister has dreamed up, it is a world better, a universe better than what the minister has schemed up.

I have said that we have four fundamental disagreements with the substance of this bill. We disagree fundamentally with this concept of the overcompensated injured worker. We disagree that the changes in pensions will result in more

justice. We have said repeatedly that the reinstatement provisions that are found in the bill are totally inadequate. We have said repeatedly that the board will be given even more arbitrary power, power that it has already used in the past in ways that we find totally unsatisfactory, in ways that quite frankly are abusive to injured workers.

Last, we have pointed out that this bill does not provide for rehabilitation, that a just and fair workers' compensation system would entrench the right to rehabilitation in the legislation. That is what the Minna-Majesky report advocates, that the right to rehabilitation be put directly in the legislation.

Those are the substantive things that are wrong with this bill. Those are the reasons this bill ought to be withdrawn. I can only say to the Minister of Labour, and I will repeat what we said earlier, that perhaps the greatest wrong he has committed with this legislation and the reason he has angered so many people is because of the process he chose to follow in introducing this legislation.

I will say to the Minister of Labour that I think the minister will do more to wreak havoc between employers and employees in this province than anyone has done up to this time. The Minister of Labour may feel that this legislation will save money for employers. The Minister of Labour may feel that because he is going to reduce the benefits that are paid out, employers will be able to reduce the premiums they are paying in.

I will tell the Minister of Labour this: Injured workers may suffer loss of dignity and they may suffer loss of income, but they are not stupid and they know what he is trying to do to them. They are going to fight him every step of the way, every occurrence of an injury and every Workers' Compensation Board claim. He will see more bureaucracy as a result of this bill. He will see more nasty fights as a result of this bill. He will see more and more claims being argued for review and going on to the Workers' Compensation Appeals Tribunal. He is not going to save any money from this bill. What he is going to get is a nastier and more expensive battleground that is not going to save him money. It is going to cost him more money.

The only people who are going to benefit from this bill are some of the power-hungry bureaucrats who work at the Workers' Compensation Board. They will benefit from this bill, but only for a short time. Employers will not benefit because their premiums are not going to go down. Injured workers will not benefit because



the benefits they will receive will be less. The bureaucrats who want this bill so badly, as I say, will only be more powerful for a very short time because this bill will lead to labour and employer unrest.

I say to the minister that three or four years down the road, and it may be even shorter than that, we will be back in this Legislature trying to fix what he has done, because you cannot fool around with something so fundamental as this and do it in the unilateral way he has tried to do it. You cannot do it because what was involved here in the first place, and what has been involved for 70 years, has been an agreement between the parties to search for a system that is fair in terms of compensation and fair for employers in terms of avoiding almost unrestricted liability. That was the partnership, and in doing what the minister is doing here, he is starting the destruction of that partnership and he is going to pay the price down the road.

It is very sad that we have to stay here all night to try to get the Minister of Labour to realize this, but it seems the Minister of Labour will not listen to injured workers. He will not listen to organized labour. He will not listen to the community legal clinics. He will not listen to the office of the worker adviser. He will not listen to the opposition parties when they speak to him during the day, so I guess we have to keep him here all night and try to argue with him this way.

Maybe before this bill gets to third reading, the Minister of Labour will sit down and listen to someone else other than his bureaucrats because they are certainly misguided in this legislation. As I said, this Minister of Labour will pay the price, and workers and employers in Ontario will pay the price as a result of the unrest that this legislation has created already and is going to create.

I say to the Minister of Labour one more time that it is not too late to change his mind. It is not too late to take another look at this. Why does he not take a rest this summer and go off somewhere on a peaceful, quiet holiday and get another picture of the world? There is another picture of it. He should take a fishing trip to northern Ontario and see what the other world is out there. We hope he does, because as I said, he is going to be responsible for the creation of a lot of employer and employee unrest if he continues to go in the direction he is going in now.

I said I would speak for only two hours and I see it is now two hours. I thank you, Mr Speaker, for the opportunity to vent my frustration on this. Now that I have accomplished that, I believe

there is someone else who would like to take over.

**Mr D. S. Cooke:** Mr Speaker, I think before I start I should ask if there is a quorum.

The Acting Speaker ordered the bells rung.  
**0303**

**Mr D. S. Cooke:** I am very pleased to participate in the middle of the night in this debate. The last time we did this was on Bill 94. There are some parallels between what happened on Bill 94 and what has happened on this bill.

When we were dealing with the bill to ban extra billing, at least the government took the position at that time that the legislation it had introduced would be out for public hearings and that everybody who wanted to be heard would be heard; in particular, in that case, every doctor who wanted to be heard would be heard and the consequences did not matter. In fact, a very strong case could be made, and was made at the time, that by the government's dithering with its legislation, by the government allowing the public hearings to go on to the extent it did, it contributed to a province-wide strike and a crisis in our health care system.

In that case, the government said there were no walls and there were no barriers, that this was a new era of democracy in Ontario, a new Liberal government, and everybody who wanted to be heard on Bill 94, the bill to ban extra-billing, and every doctor who wanted to be heard, would be heard. Now what is the approach that has been taken with the government on this bill? We had to force the government to have public hearings. The injured workers in this province had to force the government to have public hearings.

The government whip sits there, and his recollection of the history of this is quite different than my recollection of it. But I remember very well sitting at House leaders' meetings and getting the response from the government House leader at the time that yes, the bill would go out to committee because they could not do anything to stop the opposition from sending a bill out to committee, but that the committee would decide where it would travel, if it would travel and whether the hearings would be held with the House in session.

The government whip knows that if the House is in session the committee cannot travel. What the government was trying to do was introduce the bill, have a quick set of public hearings here in Toronto, exclude people outside of Toronto and try to get the bill passed very quickly. That was the hidden agenda of the government. The only people who were able—



**Mr Miller:** Tell it the way it is.

**Mr D. S. Cooke:** That is the way it was. The thing is that it was our job in the opposition, it was the responsibility of organized labour—

**Hon Mr Sorbara:** David, read the minutes.

**Mr Reycraft:** Have you got those minutes you talked about earlier?

**The Acting Speaker:** Through the chair, please. Order.

**Mr D. S. Cooke:** I thought that every time we went to read minutes from House leaders' meetings on to the record in the House we got criticized by the government, saying those were private meetings and not public records. So I did not even look them up.

I rely very heavily on my memory of those meetings and of the demonstration that occurred out here where injured workers had to try to storm the House to force the Minister of Labour to agree to public hearings. That is exactly what happened. That was the debate at the time. Questions were raised in the house.

My colleague the member for Sudbury East asked the question many times of the Minister of Labour leading up to those public hearings, saying, "Will you commit yourself to public hearings across the province?" His response was, "We'll let the committee decide." In a majority government scenario that is the word for saying, "The majority is not going to let the committee travel."

**Hon Mr Sorbara:** I said we would let the House leaders decide.

**Mr D. S. Cooke:** And the House leader told us in House leaders' meetings that the committee would decide.

**Mr Reycraft:** And the committee did.

**Mr D. S. Cooke:** The committee decided after we said to the government, "You either agree to public hearings across the province or there'll be bell-ringing, there'll be demonstrations, there'll be filibusters." Eventually the government saw the light, saw that it had to agree to public hearings, and we had the public hearings across the province.

Interjections.

**The Acting Speaker:** Order.

**Mr D. S. Cooke:** But then what did the government do, when finally it agreed to have public hearings across the province? It sabotaged those hearings. While 600 people tried to apply and appear before the committee, only 300 were heard. At community after community motions were put forward.

**Mr Reycraft:** We could have started those hearings when the House was in session. You voted it down.

**Mr D. S. Cooke:** The government whip says we could have started the public hearings when the House was in session. He knows very well that for opposition parties that have 19 members, our party, and 17 members, the Conservative Party, we cannot possibly staff the committees the way a big, arrogant majority government like the one opposite can. They have 94 seats; we do not. I attended the committee hearings.

**Mr Ballinger:** Let's hear it for standing order 24(b).

**The Acting Speaker:** Notwithstanding the hour, it may occur to members that there are rules of debate set out in the standing orders to prevent this very thing where you end up in a streetlike shouting match. Could the members of the government party please allow the member for Windsor-Riverside to speak uninterrupted?

**Hon Mr Sorbara:** Notwithstanding that he has changed his position.

**Mr D. S. Cooke:** If I had said that, I would get in trouble.

**Mr Reycraft:** You are in trouble.

0310

**Mr D. S. Cooke:** It is just that when the government members hear the truth, they interject because they do not want to hear the truth. They do not want to hear the truth of what has happened with this bill. The fact of the matter is that we wanted to have public hearings across this province, we achieved the public hearings across the province, the government then turned around and said: "It's going to be time-limited. We're only going to hear half the people who apply to appear before the committee."

There were 600 people applied, only 300 were heard and motions were made by opposition parties to try to ask the government to open up the process to allow everyone who wanted to be heard by the government to make a presentation on this bill, to be slotted in, which would have taken some more time and would have made the process a little more difficult, but sometimes public input on important pieces of legislation like this takes some time.

They did not mind taking the time with Bill 94, the bill to ban extra-billing. They were prepared to hear doctors. Clearly, the message that comes through on this bill is that if you are part of the wealthy in this province, if you are a doctor in this province, if you are in the powerful sector of this province, the Liberal government is open to

listening to your views. If you are an injured worker, then forget it. They do not want to hear from you; the process is closed.

I think that is a sad commentary. It was not like that during the minority government time, and it was not that way because if they had behaved the way they have behaved under majority government during the minority government, they simply would not have been able to maintain power.

I think we also have to ask ourselves tonight why the government is forcing this confrontation now. Why it is wanting, demanding that Bill 162 be passed? In fact, it was last Thursday in the standing committee on resources development that the government moved a closure motion to report the bill.

**Mr Furlong:** It wasn't closure.

**Mr Hampton:** They do not call it a closure motion, but that is exactly what the motion is. It was to shut off the debate on Bill 162 in the resources development committee. It was a motion to report the bill. It is a closure motion.

My colleague the member for Algoma began discussing the bill and made a presentation on the motion that had been presented for the government by the member for Halton Centre (Mrs Sullivan), who is the person who moved the motion. The member for Algoma made his presentation. The committee adjourned and it began again on Monday of this week. My colleague the member for Sudbury East began making her presentation, and then I think the member for Hamilton East (Mr Mackenzie) had the floor.

No sooner did the member for Hamilton East finish his presentation than the government whip had written a motion out for the member for St Catharines-Brock (Mr Dietsch) and they were moving closure on closure. I think it is quite amazing that the government would move a closure motion on a closure motion.

The only accountability that was in the system was that the rules did not provide for this. The rules are very clear that it is the responsibility of the chairmen of committees, and in this place the Speaker, to protect the rights of the minority. The chairman in that case ruled quite correctly that the government, the majority, was trying to remove the rights of the minority and that the motion was out of order.

**Mr Dietsch:** You'd better think about it again. He said the motion was in order.

**Mr D. S. Cooke:** I remember exactly what the chairman said. He said that a closure motion is not out of order; however, under the rules he had

to determine whether the rights of the minority were being taken away. He ruled that the rights of the minority were being taken away, and if the member wanted to move his motion at another time, that would be his opportunity and his right. However, if it was premature, he might again rule that it was out of order.

No sooner had two members of our caucus spoken in that committee than they were moving closure on closure. I think we have to ask: Why is the government now all of a sudden so anxious to lower the booms on Bill 162 and force the bill through the committee and now through the House? We know that in all likelihood they are going to be moving another closure motion soon in the House, so we will take every opportunity available to put forward our points. But why are they so anxious to rush through this bill?

The reason is very clear. This government is in big trouble in this place. Their Solicitor General has had to resign.

**Mr Reyecraft:** Is 45 per cent trouble?

**Mr D. S. Cooke:** Well, we will see the other aspects of the poll that come out, what the approval rating of his government is and how that is now beginning to decline; how the approval rating of the Premier (Mr Peterson) is beginning to decline. We will take a look and we will see what comes out of question period each day.

The member's assessment has to be, as everyone else's assessment is, that the government is having great difficulty. Day after day there are stories in the paper about the Patti Starr case. Before that there was the affair regarding the then Solicitor General, the member for London South (Mrs E. J. Smith), and now other developers. There is all sorts of evidence coming out that the government is in big trouble on scandal after scandal, and it is very clear that all it is trying to do is rush through Bill 162 because it wants the Legislature adjourned. They do not want to be here day after day to be held accountable. That is very clear.

The Premier wants the Legislature to be adjourned because he wants to shuffle his cabinet, as he calls it. We know that what he is talking about is not a cabinet shuffle; he is talking about a wholesale firing. The Minister of Culture and Communications (Ms Oddie Munro) is likely to be fired and the Minister of Skills Development (Mr Curling) could very well be fired. Perhaps the Minister of Housing (Ms Hošek) will be fired. The parliamentary assistant, the member for St Andrew-St Patrick (Mr Kanter), is likely to be fired and the parliamentary assistant,



the member for York Mills (Mr J. B. Nixon), is likely to be fired.

There are all sorts of problems. The government has to clean house, and it wants to clean house with the Legislature not in session. The government is clearly trying to put a new face on itself, a new cabinet, but I think one has to take a look at what has happened over the last couple of years since we have had the 1987 election.

The first thing that happened is that this government became absolutely paralysed with its Sunday shopping legislation. That totally preoccupied the government, totally preoccupied the Legislature. They were unable to move on any other aspect of their agenda. In fact, the commentary was very clear that there was no agenda, that the government had become smug and arrogant. They had no direction, they had no agenda and they had become preoccupied with the Sunday shopping bills.

After those months of criticism, debate and confrontation in the Legislature, they decided this spring that they would bring in a throne speech and a budget and they would try to put a new package on the Liberal government. It was only a matter of a few days after the budget that the affair regarding the member for London South blew up in their faces.

Why was it that it was only because the opposition parties were there to hold the government accountable that the Solicitor General ultimately resigned? That was because she did not want to appear before a committee which would review her conduct as Solicitor General. No sooner had the government dealt with that matter—the Solicitor General resigned after a bell-ringing episode, after questions and after accountability in the press—than a few days after that the Patti Starr affair blew up in the government's face.

It has been one disaster after disaster, and it is no wonder the government wants to shut the place down because it does not like the idea that the opposition is able to come in here day after day, ask questions and hold the Premier accountable. This government is clearly in a state of chaos and it needs to end the Legislature. That is the whole purpose of this motion of closure in the committee stage of this bill.

I think we are rightly upset about how this government has handled this bill as well. On public input, as I told the members, we had to force public hearings. The government did not want to have public hearings across the province.

**Mr Reycraft:** You didn't say that the first time.

**Mr D. S. Cooke:** You did say that. You made it very clear that you did not want to have public hearings across the province.

Then when we forced the government and injured workers forced the government to have public hearings across the province, it sabotaged the process by eliminating 50 per cent of the people who wanted to make presentations and just simply saying, "You can't appear."

**Mr Reycraft:** We agreed to the number of weeks of hearings you asked for.

**Mr D. S. Cooke:** That is not true. We wanted unlimited public hearings, just as you granted the doctors on Bill 94.

The government agreed to and demanded unlimited public hearings on Bill 94 for the doctors and did the same thing on Bill 30 when we extended funding to grades 12 and 13 in the Catholic school system. They said, "No walls, no barriers." Anybody who wanted to appear would be heard and the bills would not be passed for third reading until everyone who wanted to be heard was heard. In this case the government said injured workers were not good enough. They did not want to hear them. There were 600 people applied, and 300 will not be heard.

0320

In my own community, every one of the locals of the Canadian Auto Workers applied to appear before the committee. The government said, "No. We will listen to one local from the Canadian Auto Workers in each of the communities." In my community that is an absolutely silly approach to take. Virtually all the workers in my community are in the CAW, in all different sorts of workplaces, whether it is the salt mines, the auto parts plants, the office jobs or the auto line. They are all auto workers.

The government said, "They all have the same workplace because they are in the Canadian Auto Workers, and we are only going to hear from you once." I think that was totally inappropriate and unfair. It did not hear some of the valuable input it would have heard from the office workers, for example. They were not allowed to appear before the committee because they were part of the 50 per cent that the government eliminated.

Here are the statistics that we have: In Hamilton, as I understand it, 64 groups and individuals applied to appear; in Oshawa, there were 22; in Toronto, 158; in Thunder Bay, 26; in Dryden, 10; in Fort Frances, 12; in Timmins, 27; in Sudbury, 80; in Ottawa, 53; in Windsor, 68; in London, 43, and in Kitchener, 49, for a total of



612 groups. The government listened to about half of them.

**Mr Neumann:** How come you are reading Shelley's speech?

**Mr D. S. Cooke:** I am not reading her speech. I could not come close to making the presentation that the member for Sudbury East made this afternoon, and neither could the member opposite.

I want to get back to how this government has handled the bill, because one of the things representatives from its ministry have said is that there has been a good process of consultation. One of the local reporters in our community decided to check out the ministry's local consultation and its consultation across the province. He got a list from the ministry of the groups it said it consulted with, and then he decided to check with these groups to see how many it had. I want to read part of this article, dated 13 May 1989:

"Union leaders across the province are disputing claims by the Ontario Labour minister, Greg Sorbara, that the Ontario minister, Greg Sorbara, consulted them adequately before drafting proposed revisions to the Workers' Compensation Act. A list of meetings released by the minister's office says Sorbara discussed the new legislation with Ontario Federation of Labour president Gord Wilson on May 3, 1988. But Wilson was attending the Canadian Labour Congress convention in Vancouver on that date."

But it is on the minister's list that he consulted with him in Ontario on that date.

"Also on the list is a brief appearance Sorbara made on June 1, 1988 at the protest staged outside the Legislature to highlight the concerns of injured workers." Here is a protest outside the Legislature, and it is on the minister's list that because he went out to the protest, that is considered consultation. "'That is not what I would consider consultation,' says Phil Biggin, executive director of the Ontario Union of Injured Workers.

"The list indicates the minister had 27 consultations with labour organizations between November 14, 1987 and June 20 of this year, but spokesmen for more than half of the groups either deny the meetings occurred or they dispute the subject of those meetings. The list has Sorbara meeting with Wilson on February 27 of last year. Wilson claims that the focus of that discussion was the health and safety legislation and they did not have anything to do with Bill 162.

"There are 12 meetings with injured workers' union officials in Toronto, Sudbury and Thunder

Bay, but Biggin claims almost all of them degenerated into a debate format. Union officials made suggestions and they were told why they wouldn't work. Bernie Young, compensation chairman of United Steelworkers of America, Local 6500, in Sudbury, confirms Sorbara met twice with officials from his local but he adds, 'There were no discussions with regard to what we thought.'

"'Sorbara was here,' Thunder Bay and District Labour Council president Don Hussel says of a September 9 meeting. 'Basically it was to discuss implementation of the bill and nothing more.'" There was some consultation about the principles in the bill, and the minister was going up there and telling them how the bill was going to be implemented.

"'Meaningful consultation to me,' says Wilson, 'is when the government has a concept they are considering introducing and then they go to the people and say, 'Look, we want to consult with you over this.'" He stopped short of accusing Sorbara of padding the list, saying, 'I don't hold the minister responsible for this. He has never been, to my mind, deceitful with me.'" We will give him that much today.

The article goes on to go through the list of groups the minister was supposed to have consulted with but he simply did not. He ultimately admits in the article that he obviously had not consulted with all these groups. I think that makes the case again of why it was so absolutely essential to have decent, open public hearings on this bill, but we were not able to obtain even that from this government.

I just want to read a few quotes from a couple of groups about how they felt about the consultation process.

The Canadian Auto Workers council said: "We in the CAW feel strongly that the ministry should have at least consulted or asked for some suggestions from all interested parties prior to the introduction of such wide-sweeping changes."

From the Ontario Public Service Employees Union: "We know all the problems with the present system, though for a reason that defies imagination we were never consulted as to any changes."

The Labour Council of Metropolitan Toronto: "The intended bias of this legislation is obvious from the start. If the legislation was sincerely intended to meet the needs of injured workers, why is it that their organizations were not consulted in the drafting of these changes?"

I think these are legitimate questions and I do not think the minister, to this point, has



adequately answered them at all. Instead, he has come forward with a bill which we and workers across this province have indicated is fundamentally flawed and he has refused to make any substantial changes to the bill.

I was amused yesterday—it was in committee, so it might have been Monday—when I heard the member for St Catharines-Brock indicate that our party was not open-minded on the bill. We indicated right from the beginning that we had fundamental problems with the legislation, but we heard the presentations before the committee. The presentations were critical of the government's legislation. There were not injured workers' groups or organized labour groups that came before that committee and said that they agreed with the legislation.

So why would we go through the committee process and come out of that committee process with any other, different opinion than we went into it with, when every group that appeared before us indicated that the legislation was fundamentally flawed? Clearly, the government is the one that is not open-minded on the legislation, because if it had been listening to the folks who made the presentations, I think it would have made some fundamental changes in the bill.

I think in the presentations that have been made to the Legislature this evening, the most important point is that this is the first time major amendments have been made to the Workers' Compensation Act without the consent, the approval, the consensus of organized labour and without the consensus or approval of injured workers' organizations across this province.

I think that is why we are in this kind of confrontation in the Legislature now. We cannot understand how this government could move unilaterally, how this government could do this to injured workers and how it could use this process, with a majority government, and proceed with major changes to the Workers' Compensation Act without the approval of organized labour and without the approval of injured workers' groups across this province.

My leader and the member for Sudbury East have made detailed criticisms of this bill, and I am not going to run through those criticisms of the bill again. Others who can do it much better than I can do that have done it in committee and will do it again later this evening. But I think it is a very sad commentary on this majority government that it would try to proceed the way it has.

It is no wonder that groups all across this province are very upset and feel alienated from this government. It is amazing that in their short time in office they have alienated virtually every major organization across this province. Labour is now upset; teachers, the public servants, both of those groups because of unilateral changes to their pension plans; nurses because of the way the government has handled the health care system; doctors from the last term and from the lack of reform to the health care system since; and they want to proceed with changes that would alienate lawyers across this province. I do not know. I guess they have had a clear agenda in the four years they have been in office and they have been trying to identify individual groups all the way along that they can alienate. They have done a good job of that.

But we have a responsibility in this place, and if we cannot accomplish anything more by sitting all night and by tying up this bill in committee—and we have been very up front with the minister and the members of the Liberal caucus. At each step of this legislation we have indicated to them very clearly that we do not want to have any part of it. Our role as an opposition party on this type of legislation is to try to stop the legislation and we have been up front with them all along.

We are getting to the end of the line of what we can do. We have 19 members; they have 94. I think we are in a desperate situation. Injured workers in this province are in a desperate situation.

We are trying desperately to communicate to the minister and his majority government that they should not proceed this way. If they want to come up with a consensus of reforms to the Workers' Compensation Act, then do it properly: consult; develop a consensus. It can be done. It has been done in the past. It may take a long period of time, but it is better that it be done by consensus and with the partnership of organized labour and injured workers across this province than the unilateral way that they are proceeding.

If they are determined to pass this legislation, they are going to be able to do that. That is very clear, whether they get rule changes next week or without those rule changes. They were determined on the Sunday shopping legislation; they got that rammed through the Legislature. They have the numbers; we do not.

All we can do in the opposition is try to point out the deficiencies, try to offer time to the groups who are opposed to the legislation so that they can lobby and consult and discuss with individual members the problems they have with



the legislation. But if the Liberals are determined to do this, they are going to do it. They will have to live with the consequences, and there will be public consequences to proceeding with this legislation.

I just ask the minister and ask the government again, on behalf of our party and on behalf of injured workers: They still have time to reconsider. They still have time to withdraw this bill and go on to a proper process of consultation and development of a consensus in this province. If they do not want to do that, as I say, we cannot force them to do it, but it would be in the public interest and it would be in the interest of injured workers across this province. I hope that through the rest of tonight and before we complete the committee stage and third reading of this bill that the government will give that serious consideration.

This is not simply a political move on our part; this is something that members of our caucus and members of the trade union movement feel very strongly about and feel deeply about. It is a sincere feeling that I hope the minister will accept in the way it is being delivered, and I hope that over the next few days he and his government will reconsider their very disappointing decision on this piece of legislation.

**Mr Reville:** I am proud to participate in this debate this morning. I must tell members of the House that I have not felt quite like this since June 1986, which was the last marathon debate we had, although the outcome of that one was an outcome that New Democrats favoured and we fear that the outcome of this debate will not be one that we favour.

The debate, as we know but those reading this may not know, is unusual in several respects. The question before us is whether this House should adopt a report from the standing committee on resources development. In the curious way we tell time in this place, it is still Tuesday 11 July. We are in routine proceedings. Many people probably think it is 3:35 am on 12 July. However, that will not be allowed to happen until this debate is concluded. That, in itself, is an unusual kind of situation.

Normally, the adoption of a report from a committee does not inspire members to the kind of eloquence we have heard over the last while nor to the length of the eloquence we have heard over the last while, although it should be pointed out that all that eloquence and length has come from the one party, namely, the New Democratic Party, with the exception of the member for Mississauga South (Mrs Marland) who contrib-

uted comments in opposition to Bill 162 earlier yesterday.

Since the standing orders were adopted by the Legislature following the election in 1985, this chamber has almost always been dark in the evenings and early mornings. Some would say that the look of democracy improved by those standing order changes. Certainly the look of many of the members improved, although in those days when we did not have electronic Hansard, television, hardly anybody could see members looking the worse for wear as the night wore on. Perhaps that is a blessing, although I did not stay here until 3:35 in the morning to lament the passing of the old standing orders.

In fact, I was starting to comment on why this is an unusual debate. The debate began yesterday afternoon when my colleague the member for Algoma, the acting chairman of the resources development committee, presented the report from his committee and then proceeded to spend about the next hour and 20 minutes attempting to persuade the House not to adopt it.

For many hours now, nine and a half hours beyond our usual adjournment time—some spectators may remember that around about 6 o'clock the Speaker stands and says, "It being about six of the clock"; well, that was nine and a half hours ago—one after another of my colleagues have risen in their places to explain why Bill 162 does not serve workers well at all.

Just so I can have this for my records and archives and something to show my grandchildren, so far yesterday and today we have heard from the member for Algoma, the member for Sudbury East, the member for Hamilton East, the member for York South, the member for Hamilton Mountain, the member for Rainy River and the member for Windsor-Riverside. Of course, I am the member for Riverdale.

I remember the previous member for Riverdale and I know he had a very large case load of workers' comp cases. I know that because I inherited some of the cases after his death. I know that some of my colleagues, one of whom is now a councillor on Toronto city council, used to work with Jim Renwick on his very large case load of workers' comp matters.

One of the other things that Jim Renwick did, for which the people of Riverdale will always be grateful, was he was one of the founders of what is now called East Toronto Community Legal Services. That is a community legal clinic which is on Queen Street East right near Valdi Discount Foods. If you should ever need any free legal advice, Mr Speaker, and happened to have lost



your job, you could drop in there. I do not want to wish you any bad luck in particular, but on the other hand, I do hope you will lose your job. You could drop in there and get free advice virtually any time. That community legal clinic does a very large case load today, has for a number of years in respect of workers' compensation cases and does it very well too.

**0340**

If there happens to be someone who has just tuned in, I want to say that what we are doing here is trying to convince the government to scrap Bill 162. It is a bill that would bring in a large number of amendments to the Workers' Compensation Act. The New Democratic Party opposes most of those amendments, because we do not feel that those amendments serve the workers well.

For people who are insomniacs or those who could not find an interesting movie, it is difficult to know precisely what the Liberals think about Bill 162, at least lately because, aside from the odd heckle here and there, not a peep has been heard from even one Liberal since this debate began many hours ago.

It is possible—and I would hope that it is so—that the Liberals are having a change of heart and realizing that Bill 162, as we have suggested, is indefensible. It is hard for me to imagine why not one Liberal has stood up to defend Bill 162.

**Mr Dietsch:** Would you put a little more excitement in your voice? Your leader is falling asleep.

**Mr Reville:** It is an interesting thing that the member for St Catharines-Brock wants me to be more excited. It is difficult for me to be excited at 3:40 am. I am getting on in years. There was a time when I might have been quite excited to be allowed to be up this late, but that is long ago now. Quite frankly, the last couple of months in this chamber have made me feel quite sick to my stomach. The daily revelation that we have a government that has absolutely no idea how to behave has made me feel very ill.

**Mr Ballinger:** You guys have loved every minute of it.

**Mr Reville:** Well, it is interesting to hear what the member for Durham-York squeaks out at this point. I really wish that if he believes Bill 162 and the conduct of his government are defensible, that he would stand in his place and try to defend either.

Members will have gathered that I am not an expert in compensation matters. I am not the least dismayed by my lack of expertise. My colleague

the member for Sudbury East, to whom I will bow, has been up one side of Bill 162 and down the other for over a year now. I do not believe there is a member in this place who could come even close to her understanding of what Bill 162 is about or hold a candle to her critique of it.

There have been very few pleasures in the way Bill 162 has been handled by this government, but one of the pleasures I have had, sitting in my little chair in the Legislature, is watching the minister's face when the member for Sudbury East stands and says, "Mr Speaker, I have a question for the Minister of Labour." To watch as the deodorant fails across the hall as the minister become exercised has been one of the few pleasures that have been vouchsafed to me by this sorry exercise.

**Mr Dietsch:** The Minister of Labour is under the dome.

**Mr Reville:** The member for Durham-York should just try to be calm. I have been so proud of the work of the member for Sudbury East and the way she has represented workers, and I know workers all across this province have appreciated the way she has represented them and the care she has taken to consult them. Would that the minister had consulted even a fraction of those workers. Would that we had a minister for labour.

My House leader pointed out in his analysis of the politics of this Parliament that the previous Parliament had a government that had more acute listening skills. Indeed, we have been exposed to example after example of public hearings before which the public came hoping, I guess, to present its case with some reasonable apprehension that the government members of the committees would listen to that case.

I had the opportunity, for my sins, to sit on the committee that was examining the question of Sunday shopping; twice, in fact. That must be a lot of sins. I did not recall very many people who came before either of the committees which considered the question and said they thought there should be significant changes in the way Ontarians manage the question of shopping on Sunday. I used to keep score; a little numbers game, sort of like batting averages. Most days it was anti-government position, 20; pro-government position, 1 or 2.

Clearly, it was the same kind of input from workers, workers' representatives and clinics: They were unanimously opposed to the provisions of Bill 162. Again, all those very personal, compelling and honest depositions fell on the deaf ears of the government members.



There was indeed an exception in the minority period that perhaps could be used to prove the rule which my House leader was trying to establish. I sat on the committee that reviewed the Residential Rent Regulation Act, and not a single tenants' group came before that committee which supported the government legislation; which of course was why the New Democrats did not support it either, and the government was deaf to their entreaties as well.

Before 11 o'clock last night, my leader talked about to whom workers' compensation should belong. Workers' compensation should belong to the workers. Workers' compensation is workers' insurance. He talked about how he personally did not need that particular kind of insurance policy. I did. I was not always as you see me now. For reasons much too tedious to go into now, I worked as a labourer, an apprentice and a plumber for about 15 years.

I had reason to learn about workers' compensation and I had workmates who had lots of reason to learn about workers' compensation. I never actually fell off a roof, but I always thought I was going to. I was always terrified on the roof. You had to go up on the roof to do the flashing. I hung on for dear life. I did not actually suffer any injuries falling off a roof, but I suffered significant injuries carrying cast iron bathtubs, radiators and boilers. That is right about here. On some days, in order to stand up I would crawl to the stairs and go up three or four stairs, and then I would be more or less in the kind of humanoid posture we developed some millions of years ago when we came down out of some kind of tree.

**0350**

On one occasion I was on top of a large boiler with a four-foot wrench and I dislocated my shoulder. After we got the water back on, I went over to the hospital and they actually put a staple in there. When I got back off workers' comp, I got fired. Of course, that is illegal, but workers have only theoretical rights; sometimes they do not have actual rights.

So I appreciate what it means to a person who works hurting, who gets up in the morning and creaks and groans; along about 11 o'clock, you start to work some of that out, and it comes back again around four or five. The thing goes on the next day and some days you do not go in.

One of the occupational hazards of plumbers is that they get bad backs and bad legs after a while. Sometimes they can go on service and sometimes they cannot. If they cannot go on service, then they continue to slug the big pipe and it hurts. A lot of days are not pleasant. There is a lot of

talking to the Workers' Compensation Board about those matters.

What we are talking about is compensation for loss, a system that will return a person who has been injured or has suffered an occupational disease as far as is possible to the place where they were before that injury occurred or before that disease struck.

I heard an expletive that should have been deleted coming from the rump, but perhaps it was not in reference to anything I had to say, because I see the expletor leaving the chamber, which is probably just as well for him.

Having listened to my colleague from Sudbury East for a while now on this matter, one of the parts of this legislation that strikes me as particularly offensive is the phantom job.

I may go back to my previous little ad hominem story that there is not very much light work a plumber can do. Even when the work might be considered light, you want to try and pick up the tool box, you want to try and go up the stairs, you want to try and get under the sink if you are a serviceman, or you want to try and change the controls on a boiler, which is the light aspect of that job. Packing the pipe in, packing the ladders in, putting the chainfalls up, putting the vises up, carting the threader in and out, that is what is considered to be the light work, and of course it would just not be on for a person who had a severe injury of the sort that is often sustained by plumbers and other kinds of workers.

That had a lot of personal meaning for me. It was lucky I could get a job where the most strenuous thing I had to do was to eat a lot of chicken dinners. I was beginning to wonder whether I could pack the box up those stairs any more. Before I get too maudlin here, I will just sort of get off that topic.

The other thing that offends me about what the government has done about Bill 162 is that they are on the wrong side. They are on the side of powerful interests, when my idea of a government is to be on the side of those people who need the help, on the side of people who, in the kind of economic structure we have, get the short end. Is that not what governments are for? Maybe I went to some kind of strange civics class.

We in this party have had a long and I think passionate and honourable tradition in trying to ensure that workers' compensation works for the people to whom it belongs. We intend to keep up that tradition. We intend to keep fighting so that workers' compensation does belong to the workers.



**Mrs Grier:** I am pleased to join in this debate; not quite pleased at the hour at which we are doing it and the fact that we have to do it in this way, but very proud to associate myself with the comments that have been made by my colleagues who are more experienced and knowledgeable than I am about the Workers' Compensation Board and its activities.

I certainly could not fail but be moved by the intelligent, well-researched, competent presentation by the member for Sudbury East, knowing the hours of work and effort she has put into fighting on behalf of injured workers all across the province and fighting against this legislation.

What struck me as I listened to her speech tonight was sadness at the fact that that kind of presentation was being made and was falling on deaf ears. You only had to look around this chamber to realize that no minds were being changed; no minds or ears were open to hear the arguments, to understand the rationale behind what was being said or to acknowledge the worth of what was being said and the logic of it.

I guess that is one of the things that bothers me most about this debate and about many of the debates we engage in in this place. It is not a question of parliamentary discussion or debate. There are closed minds—on both sides frequently, let me acknowledge that—but there does not appear to be any willingness to really approach an issue constructively. Surely this has to be a very silly way to develop legislation that is going to affect the lives of thousands of our fellow citizens for many years to come.

Here we are at 4 o'clock in the morning giving speeches, because we do not want a piece of legislation to pass that we know is going to pass. We have been unable to persuade the government that any of the concerns we have expressed, any of the concerns that have been expressed by hundreds of delegations before a committee, by petitions and by letters, are valid and ought to be taken into account, that perhaps there is some merit in those arguments and that the legislation could be improved if those arguments were listened to, were debated and somehow from that debate a resolution were to come out that would improve the legislation.

I am a political scientist. I know all about the government and the official opposition, but it does strike me as an incredible waste of resources that of 94 people, I do not know how many really have had an opportunity to debate and to think about the meaning of this legislation. I know the members in my party understand this legislation. You only have to look at the functioning of some

of the constituency offices and the differences between how the different parties' constituency offices function to acknowledge that New Democrats have always been much more involved in the workings of the Workers' Compensation Board as politicians than have members from other parties. Members in our party have appeared before the board and have advocated on behalf of their constituents.

So it certainly appears that the piece of legislation we are debating tonight has somehow been seized upon by the government as something that can have no changes made in it. I suspect it may well be a very personal campaign of the Minister of Labour. Here is a piece of legislation which he considers significant, which he supports and which he is going to see is adopted, no matter what anybody says. I find that regrettable. I find it regrettable that a majority government seems to behave as though somehow it had conferred upon it the divine right of kings.

I notice from the table that it is 12 July, a glorious day for some in the land where I was born, but a very sad day for others. I regret that three centuries later there are remnants of the same attitudes that were expressed by King Billy, in the way in which the government is pushing forward Bill 162.

#### 0400

The member for York South has expressed very well the plight of an injured worker who lives with pain, who lives with the effects of an injury; the loss of income that is suffered. He did not dwell particularly on the other loss: the whole loss of dignity and the loss of self-worth that is felt by people who are injured and unable to work, especially as, for many of the people—I think the majority of the people—who are employed in occupations where injuries are likely to occur, work is very much central to their lives. It is the measure by which their status and their place in life has been determined. You only have to talk to some of the those people to realize how empty their lives are when they cannot work.

They do not really have much to do during the day when they do not have work to go to. They have families who are all working; they have friends and relatives who are judged by the value of their work and by the contribution they make by their work to their families. Yet those people who are injured lack that. Added to that innate loss of dignity and feeling of self-worth and status is the added burden of having to somehow beg for the compensation and for the income that ought to be their right.



It surprises me that this government, which, with the beginnings of a humane manner, has addressed other problems of people who have lost their income or who do not have income, seems to have no coherent policy. Bill 162 is so much at variance which at least the rhetoric we have heard around the Social Assistance Review Committee.

I was struck this morning to go back and look at the objective that was spelled out in the Transitions report, an objective which says: "All people in Ontario are entitled to an equal assurance of life opportunities in a society that is based on fairness, shared responsibility and personal dignity for all. The objective for social assistance therefore must be to ensure that individuals are able to make the transition from dependence to autonomy, and from exclusion on the margins of society to integration within the mainstream of community life."

Some members of this government appear to have embraced, at least in part, that objective. Yet we have before us today a piece of legislation that is completely at variance with the kind of sentiments encouraged and expressed in the Transitions report and encouraged by the government.

Another example of the lack of any coherence in government policy is in the submission that was made to the standing committee on resources development by the then chief commissioner of the Ontario Human Rights Commission, who pointed out that Bill 162 was not within the context of the Human Rights Code. Surely, if we have on the one hand the Human Rights Code which this government adheres to, legislation it brings in ought to adhere to the principles of that code.

We have had amendments to the Automobile Insurance Rates Control Act to prohibit distinctions being made in insurance rates based on age, sex, marital status, family status or handicap. Yet we do not seem to have an acknowledgement of those principles from the Minister of Labour in his legislation which we are debating this morning.

We, on this side, have opposed this bill from the very beginning and will continue to oppose it. I am one of those who believes that the day will come when we will be in a position to put in place an alternative to this legislation.

We oppose this legislation, but we also have a constructive and positive alternative to offer. For many years we fought for a comprehensive insurance scheme for this province. My colleague the member for Windsor-Riverside spelled

led out just a couple of months ago what such an insurance scheme would embody.

Interestingly enough, when you look again at the Transitions report, at their new approach, which I suspect would be more acceptable to the government than an approach spelled out by my party, their recommendation says: "Our view of the future suggests that the time has come to develop a comprehensive disability insurance system and to move quickly to implement such a program." They go on to say: "The concept is not new. It has been the subject of numerous studies and reports over the years."

It seems ironic that at a time when those kinds of principles are being enunciated by a committee set up by this government, when the minister to whom that committee reported expressed support for the principles in that report, and the budget that was introduced this year moved somewhat, not enough, in the direction of implementing the principles of that report, that they have the Minister of Labour, the minister responsible for the working lives of hundreds of people in this province, who is going in an entirely different direction, who is moving backwards, towards making workers' compensation a welfare scheme, not a right but something people have to beg for. They may well find themselves more disadvantaged as a result of this legislation than they are today.

Those are the reasons we oppose this legislation and the reasons we will continue to oppose it. I am quite confident that we will be shown to be right and that the action this government is about to take will be reversed. I only hope and pray it does not take too long for that to happen.

**Mr Kormos:** Down in Welland-Thorold, we have a constituency office that for a long time now, almost 14 years, has been handling a whole lot of workers' compensation cases. When I checked yesterday morning with the staff down there, they told me the number is around 1,000 a year. That covers all types of contacts: initial contacts, initial applications, large numbers of appeals. Of course, that increased with the advent of the WCAT.

What that means is that I have had an opportunity to see, meet and talk to the victims not only of industrial disease and injury, work-related disease and work-related injury, but also the victims of the workers' compensation system.

When I heard the 11 o'clock news last night, I heard what is happening here referred to by one of the newscasters as a filibuster. I checked it in the dictionary and I was a little disappointed that



a Canadian newscast would use an American word like that. I discovered that the word predates the more current American usage. It is a old Dutch word. I thought it was a real misnomer, a misuse of the word. I have listened very carefully, from when the member for Sudbury East (Miss Martel) spoke all the way on down the line, all last evening and early this morning, and what I have heard is really not a filibuster, because as I understand it, there is an opportunity for members of every party to speak in rotation and explain the reasons they are taking the position they are taking.

Indeed, the speaking order has not just been dominated, but totally—again “monopolized” is not the correct word, but it is as close as I can come at 4 am—by members of the New Democratic Party. The position we take with respect to this legislation is, oh, so clear, and it has been clear for a long time. The opposition to the legislation has been very skilfully led, once again, by the member for Sudbury East, in her articulate and forceful arguments for a long time now.

I concern myself with the fact that maybe the reason Liberal members were not speaking out was that maybe they have not had access to some of the material and information we have had.

I recall one of the things that came across today, because some of my staff, back in February, went to a day-long seminar at the Law Society of Upper Canada on workers' compensation. Some of the material they received reappeared just this month because it was republished. There was a brief paper by Orlando Buonastella, which discusses and analyses Bill 162 from the point of view of a community legal worker.

As I say, this is a paper that was used during the course of that day-long program that was designed to train all sorts of people. As it was, it helped the staff from our constituency office. This is a paper that is not prepared by a political partisan. It is not prepared for the purpose of being utilized during the course of debate, but rather as an analysis of Bill 162 from a person who works as a community legal worker with persons suffering work-related injuries and diseases.

**0410**

What the paper notes is: “After years of studies, white papers, green papers, demonstrations, arrests and near riots”—this is speaking of 19 October 1988—“the government of Ontario has proposed Bill 162 under the grand title of Workers' Compensation Reform, 1988. Injured

worker activists and advocates have not, however, assumed that the proposed change is necessarily synonymous with reform. Workers' compensation has become a highly political issue and several constituencies have been making different and often conflicting demands on the Ontario government for reform.

“Our task”—the author is speaking of the role or function of this particular paper—“is to separate the political from the legal, or to put it in other words, to examine the actual statutory changes to our pension system rather than relying on the inevitable mountain of public relations material that accompanies any proposed legislation.

“Clearly stated, the issue is not the need for workers' compensation reform. Both injured workers and the government agree on this point. The real question is whether Bill 162 is the kind of reform that is required, especially when we examine how our system has failed to satisfy the needs and demands of those who suffer the most, the injured workers with permanent disabilities.

“The main purpose of Bill 162 is to change the compensation awarded to injured workers who suffer permanent disabilities. Professor Weiler, whose recommendations are the basis of the bill, had said ‘...the permanent partial disability claim is by far the most troublesome and intractable problem with which the Workers' Compensation Board must contend. These are the cases which generate the majority of conflicts and appeals. It is claimants in these cases who form unions of injured workers and protest the injustices of the system. This is the greatest challenge which the Legislature must meet in renovating the structure of workers' compensation in this province.

“‘The difficulty does not lie in an unfeeling board nor in an insensitive group of board doctors, as was alleged by several injured worker groups. The true source of this malaise is the substantive policy imbedded in the scheme of the Workers' Compensation Act.’”

That is the end of the Weiler quote. The author, Orlando Buonastella, goes on to state:

“Most people associate the concept of reform with an improvement of the existing situation. Such an improvement of the socioeconomic condition of permanently disabled injured workers has been long overdue. On the surface, it appears that the new system will be a better one. We are told that instead of a single award for permanent disability based on the infamous meat chart, workers may be entitled to two awards; that is, for physical disability and for economic



losses. If we are moving from a single to a dual award system, how can injured workers lose?

"A more careful analysis of the present Workers' Compensation Act and of Bill 162 itself shows otherwise. Unfortunately, the examples used in the ministry's booklet are of no assistance in understanding the proposed amendments.

"To begin with, both the current act and the proposed amendments are examples of the dual award system. Ontario has had a dual award system for permanent disability since 1974 when subsection 45(5) was introduced to supplement the permanent disability rate awarded by board doctors.

"The difference, then, does not lie in the introduction of a dual award system. The real difference is in the level of security afforded to injured workers, and conversely, the level of administrative discretion given to the board by the two systems.

"Injured workers know that the monthly pension they receive for their pension disability is very important. It is a lifelong pension that can be increased upon deterioration of physical condition and will not be taken away. It is, as such, a minimal level of guarantee for injured workers, even if it is often a very inadequate one. It represents at least a dependable level of security since the other benefits in the pension supplement available under 45(5) are discretionary.

"However, with Bill 162 we do get a change of system, but not a genuine reform. Rather, we see a significant reduction in the size of the fixed pension or the minimal level of guarantee, and an increase in the discretionary powers of the board in awarding compensation for permanent disability.

"The meat chart system of compensation will not change. It will only be replaced by a system that will award less compensation. The current rating schedule will be replaced by a new meat chart that will not be all that different, considering that its most likely successor is the schedule used by the American Medical Association.

"This is indeed the rating schedule suggested by Professor Weiler in his last report entitled *Permanent Partial Disability: Alternative Models for Compensation*. The Workers' Compensation Board, which will ultimately decide on the new schedule, is not expected to reject this recommendation.

"The American Medical Association schedule does not differ significantly from the current Ontario schedule, with one notable exception—

back disabilities. For total immobility of lower back, Ontario awards 30 per cent, while the American Medical Association awards 20 per cent. It is not a happy prospect for future injured workers with permanent back injuries, and those currently represent roughly one third of all permanent disabilities.

"While the percentages are not expected to differ very much except for the previously stated back change, the greatest effect will have to do with the amount that they will generate. Today the percentages of permanent disabilities are calculated on 90 per cent of pre-accident average earnings and are paid out for life. With Bill 162, the percentage is based on age and is applied to a set amount of money, to grant up to a maximum of \$65,000 with reductions based on age.

"Let's compare the following examples by using today's average pension percentage of 15 per cent. Today, a 45-year-old skilled worker with a 15 per cent pension could receive a pension commutation equal to \$61,265. If the same worker is rated at 15 per cent under Bill 162, he or she would receive a lump sum equal to \$6,750. Needless to say, the minimum level of guarantee has been dramatically reduced.

"As the minister says, Bill 162 may explicitly recognize for the first time the noneconomic losses associated with permanent disabilities, but injured workers are much better served by the current system, where the same recognition may be more implicit but where the real compensation is much more substantial than with Bill 162.

"Injured workers whose permanent disability deteriorates over the years will also be worse off. Today, it is not uncommon for injured workers to obtain several reviews and adjustments for their deteriorating permanent disabilities. This is quite common for back conditions, which as previously noted are quite widespread. With Bill 162, the deterioration must be significant before an increase is awarded. This is a very discretionary word. Please note the controversy over the word 'significant' in the debate on subsection 45(5), which is introduced in the supposedly scientific or medical section of the act.

"Furthermore, the deterioration must not have been anticipated in the last medical assessment for permanent disability. We are left wondering how many injured workers with back disabilities will be denied an increase on the basis that it was anticipated that their condition would deteriorate.

**0420**

"A further restriction is caused by the provision that no worker may apply more than twice



for a reassessment due to deterioration of their condition. Bill 162 allows no appeal to the Workers' Compensation Appeals Tribunal of any issue regarding permanent disability. This important change is not rationalized in any of the written material produced by the Ministry of Labour. However, the minister has suggested at public forums on Bill 162 that it is unnecessary to go to the WCAT when permanent disability is strictly a medical determination. He wants to avoid prolonged delays in the settlement of this issue by eliminating a right of appeal.

"Frequent participants in the appeal system know that while on the surface the appeals appear strictly medical, they are full of surprises. Examinations by different doctors often produce different results, given that they are snapshot assessments of a worker's condition at a particular moment in time. As we have seen, Bill 162 has now introduced the highly discretionary concept of significant and not anticipated deterioration of permanent disability, which is anything but scientific or medical.

"Finally, we are witnessing a dangerous erosion of the principle of accountability. It is no longer an administrative tribunal that has the ultimate responsibility. The buck is passed to doctors appointed by the board. Injured workers will be even further estranged or alienated from the process."

The article goes on to discuss the issue of deeming. It speaks of that as "having even greater controversy. The amount of compensation will not be based on actual wage loss incurred, but rather on the net average amount that the board considers that the worker is able to earn, after the injury, in suitable and available employment."

The article discusses that the "experience in Ontario with the wage-loss system used in other provinces indicates that the issue of deeming is by far the most controversial and the most unfair for injured workers. Bill 162 will not defuse the issue of compensation as a political hot potato. If anything, the anger and frustration that have been synonymous with workers' compensation will be increased many times over. Political wisdom should dictate an altogether different course of genuine reform."

The article speaks of "Bill 16, rather than moving toward a direction of reform, is moving in the opposite direction. Instead of more power to injured workers, we get more power to the all-powerful Workers' Compensation Board."

It concludes by saying, "With Bill 162, injured workers do get less law and more medicine, and the medicine is very bitter to swallow."

In addition to that, one is concerned that perhaps the comments that were made by a variety of sources during the course of the limited public hearings that were held were similarly unheeded by government members. Comments were made—some of these comments have been referred to already—with respect to the issue of consultation.

It was said by the Canadian Auto Workers, "We in the CAW feel strongly that the ministry should have at least consulted or asked for some suggestions from all interested parties prior to the introduction of such wide, sweeping changes."

From the Ontario Public Service Employees Union, "We know all the problems with the present system, though for a reason that defies imagination, we were never consulted as to any changes."

From the Law Union of Ontario, "It is our view that any substantial reform of the system must arise from consultation with and with participation by the very community which the legislation should be assisting: injured workers and labour generally."

From the Labour Council of Metropolitan Toronto: "The intended bias of this legislation is obvious from the start. If the legislation was sincerely intended to meet the needs of injured workers, why is it that their organizations were not consulted in the drafting of these changes?"

Deeming, and that has been spoken of by several speakers, drew a number of comments from a number of sources.

From OPSEU, "From the decisions made by the board in the last few years, we have every reason to believe that the proposed wage-loss system will be nothing other than bureaucratic voodoo where the board slots workers into imaginary jobs that the board considers suitable and available."

From the CAW: "We can think of no way that section 45 can aid an injured worker no matter what the regulations say, and we shudder at the thought that there are enough ifs, ands or buts in this proposed section that workers will be deemed all over the place."

From the Mine, Mill and Smelter Workers Union: "If an injured worker is able to perform work after medical rehabilitation, then there must be a real job for him to perform, and not a phantom job that someone feels the injured worker can do. If the intent of Bill 162 is to ensure that the injured worker does not receive anything less than 90 per cent of his pre-accident wage, then the intent must be clearly written into the bill."



From CUPE: "Under the schemes in Saskatchewan and British Columbia and the one set out in Bill 162, payment of permanent partial disability benefits for loss of earnings is broadly discretionary. In Saskatchewan and British Columbia, this has rendered the boards vulnerable to political pressures, predominantly from employers, to cut costs."

From the Law Union of Ontario: "Faith in the fairness of board personnel and their purpose of adherence to the spirit of the legislation does not lend much comfort in view of the present experience with deeming in the context of pension supplements."

From CUPE, again, in Ontario: "The board did not wait for legislative change to introduce deeming and to start both severely cutting back workers' pension supplements and limiting the time period of available rehabilitation. Bill 162 proposes to make deeming a legislative provision and extend it to pensions."

One of the questions that is oftentimes asked is: What is the source of all the concern about the deeming power? It can be said that one of the most controversial issues arising from the recent public hearings on Bill 162 is the question of deeming.

Deeming is the arbitrary power of the board to determine wage loss benefits for an injured worker based on potential income, not actual income. The key problem with deeming is that the Workers' Compensation Board makes decisions based on possibilities and guesstimates, not on the real situation of the worker. The result is that injured workers who cannot find employment end up receiving a small pension from the board and no wage loss supplement.

Under subsection 45(5) of the present Workers' Compensation Act, the board can top up a permanent disability pension to an injured worker's full compensation rate. In the past, workers who could not return to their pre-accident job or a similar or higher-paying job received this supplement. In November 1987, the board instituted a policy that these supplements would be paid not based on whether an injured worker was actually earning income but based on what the board estimated their potential income could be.

This precedent-setting change, characterized at the time by our leader, the member for York South, as the first reduction in benefits since the inception of the system in 1914, led to the demonstration of hundreds of workers and unionists outside the board's head office at Bloor Street and Yonge Street in December 1987. The

opposition to this regressive change in the awarding of supplements helped form the alliance of labour, injured workers and their representatives, which is now united and has been united in calling for an end to Bill 162.

An example can be given in the case of one Cecil Mohabir. Mr Mohabir was earning \$20,000 net a year as a supervisor of office equipment repairs. In November 1983 he slipped on grease and oil on a storage room floor while carrying a 70-pound typewriter. He landed on his back and head and was knocked unconscious. He lost his job because he could no longer carry heavy equipment. Despite many attempts, he was unable to find other work. In 1985, he set up his own office equipment repairing business and this past year—I am speaking of 1988—had a net income of \$15,000.

Meanwhile, the board did nothing to help: no vocational assessments, no retraining, nothing except awarding him a pension for permanent disability of \$156 a month.

Mr Mohabir went to a legal clinic that pressed the board for a wage-loss supplement. The board had an assessment done of Mr Mohabir's vocational possibilities, which concluded that he could be an office equipment salesman but that he was best to continue to develop his business and that some retraining would help.

#### 0430

Did the WCB offer to provide the training suggested? Has the WCB provided a supplement to top up Mr Mohabir's self-employed earnings to his pre-accident rate? The answer in each case is no. As the assessment report suggests that the injured worker could be a salesman and as, according to the board, as a salesman he would earn more than he was making when he was injured, the board had deemed that there was no loss of income.

Bill 162 enshrines in legislation this policy of determining compensation for future loss of earnings based on imaginary potential employment and not based on an injured worker's actual situation. Bill 162 proposes that in its new section 45a(3), the Workers' Compensation Act would partially read:

"...in determining the amount that a worker is...able to earn in suitable and available employment, the board shall have regard to," among other things,

"(c) the personal and vocational characteristics of the worker;

"(d) the prospects for successful medical and vocational rehabilitation of the worker;



“(e) what constitutes suitable and available employment for the worker; and

“(f) such other factors as may be prescribed in the regulations.”

All of the above criteria are judgement calls by the board, based not on the reality of the injured worker but on board-determined possibilities or, in the case of regulations, decisions made by cabinet. In the experience of injured workers, giving such wide discretionary and arbitrary powers to the board, referred to as deeming, results in losing deserved benefits.

This government's Minister of Labour is fond of defending deeming by saying that Saskatchewan brought in such a scheme in 1979. However, Bob Sass, who was the Saskatchewan Deputy Minister of Labour from 1972 to 1982, would in hindsight not implement the deeming system. During public hearings over Bill 162, the brief by OPSEU outlined Mr Sass's concerns.

That is an illustration of why there is so much concern about deeming. That concern about deeming has been reiterated and spoken of, as I indicated, throughout the course of public hearings. It has been described as bureaucratic voodoo. It has been said of it that what must be realized here is that the worker is not working or earning any money at this imaginary, fairytale job. Indeed, the committee was addressed in the following manner: “If Mr Peterson or Mr Sorbara applied this principle of deeming of imaginary jobs to unemployed workers, they could probably reach zero unemployment in the province of Ontario.”

A CUPE local had this to say: “The Minister of Labour has continuously informed us that Bill 162 will not contain the element of deeming workers at phantom jobs. It would appear that this belief is based on the provision that the worker's wage loss must be determined having regard to suitable and available work. It must be pointed out that the current legislation also contains reference to suitable and available work. The present section also clearly states that the board must compare actual pre-accident and post-accident earnings. Despite this, the board has exercised its discretion in such a way as to deem a worker's earning capacity from jobs which they do not have.”

Great concern over vocational rehabilitation has been expressed during the course of public hearings. The CAW had this to say: “The committee is rightfully proud of the fact that they were responsible for many of the initial investigations that brought about the Minna-Majesky report and are very disappointed that for the most

part those all-important recommendations have been ignored.”

The Labourers' International Union of North America had this to say: “Successful rehabilitation offers the only opportunity to reduce the real cost of industrial accidents to injured workers and government, and the only just way of reducing Workers' Compensation Board awards. Bill 162 does nothing to improve prospects for rehabilitation.”

The Provincial Building and Construction Trades Council of Ontario said this: “Bill 162 does not answer workers' concerns about the inadequacy of the rehabilitation services provided by the Workers' Compensation Board. The government acts as if the task force on vocational rehabilitation never took place.”

Indeed, Mr Speaker, you heard at length a number of recommendations from the task force spoken of. I am not going to review the recommendations. I am going to speak, however, of some of the contents of the body of that report. I will comment on the final statement. As a matter of fact, I will read it into the record. This is from the task force. As I say, recommendations have been related to you, Mr Speaker, earlier this morning. It was referred to at length during the course of many submissions by various delegations before the committee. The summation of that task force and its final statement is as follows:

“The experience of the task force in the past year was long, painful and emotionally wrenching. The tales of injustice, neglect and rejection recounted by the injured workers throughout the province were so harrowing as to leave the task force members disgusted and frustrated.”

The Workers' Compensation Board “has failed to recognize the emergence of a society that is more understanding of the needs of the disabled. It has failed to become responsive to the fact that hundreds of thousands of workers have become partially or totally disabled in the past years and that society cannot ignore or reject them.

“Some of the problems point to legislation that governs service delivery. The Workers' Compensation Act was written to eliminate the need for litigation and the search for blame in worksite accidents. It is concerned almost entirely with the concept of an insurance scheme and only slightly with the rehabilitation of the injured worker.

“But in the 1980s society accepts its responsibility to care for injured workers as human beings, not merely as cogs in industrial wheels. It



is not sufficient to restore them physically and then return them to the potentially unsafe working conditions from which they came, or to discard them with woefully inadequate pensions.

"Clearly the act must be rewritten to reflect the needs of the workers—needs not only for work but for dignity and a quality of life equal to what they had before the injury.

"Of course, the main thrust of the task force's report has been on the rehabilitation of the injured worker. However, we feel that safety is the cornerstone of rehabilitation and share the concern of the Minister of Labour, who has commissioned a number of studies on safety associations. While the amount of money invested in safety associations has risen over the years and employment levels have remained relatively constant, the rate of accidents has increased dramatically.

"Some of the blame must also be directed towards the WCB itself. The vagueness of the act allows for interpretations that can work for the benefit of injured workers or to begrudge them services.

"In the task force's opinion, the WCB does not spend its funds on vocational rehabilitation effectively which hampers its ability to meet its stated goals. This has a number of important implications:

"referrals to vocational rehabilitation division are kept to a minimum;

"those who are referred are offered such services as retraining as a last resort, and then only if they are younger and better educated;

"the vocational rehabilitation division has a high rate of recidivism and closures (where further rehabilitation is deemed unnecessary);

"when recidivism and closures are taken into account, about 60 per cent of VRD clients do not become re-employed. (Even this figure is conservative since there is no follow-up to determine how many, in fact, stay employed. As it stands, the board considers them 'employed' unless they re-enter the system.)

"In effect, the WCB does not serve the rehabilitation needs of all injured workers and those who are referred are served inadequately. To meet its exiting goals (not to mention those of the task force), the WCB cannot continue to make cost control the primary force behind service delivery. As we have seen, this attitude only leads to an adversarial system fraught with litigation and unemployment for the injured worker.

"Therefore, the board must be reconstituted to reflect concern with rehabilitation. The organiza-

tional structure must be altered to give prominence to the needs of its clients. Its staff must be hired and shaped into delivering a comprehensive, timely service that reflects a total rehabilitation model in all aspects of impairment."

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"The purpose of rehabilitation must be not only to provide vocational assistance but to restore the injured worker to his or her maximum physical, mental, social, vocational and economic usefulness.

"Each injured worker must be able to plan his or her holistic rehabilitation program with a case manager who has training and counselling empathy towards injured workers and knowledge of the workplace. To ensure injured workers obtain appropriate positions after their rehabilitation, employment specialists, such as ergonomists and placement specialists, must be hired who have a thorough understanding of the workplace, similar backgrounds to the injured workers and the ability to work closely with the employers.

"Many employers must also be faulted. It is almost as if once they pay their assessments there is no further responsibility for either prevention or re-employment. Employers ought to do far more than paying their premiums to ensure the wellbeing of their workers. Compensation has become a cheap insurance system for some employers rather than a system of justice for injured workers.

"Clearly there are unions, employers and groups of injured workers who have taken a leadership role in attempting to change the system. However, there are far too many who do no more than is required by law.

"Changing a monolithic system such as the WCB requires involvement by caring persons at all levels. But, first of all, it requires the government to enact new legislation and translate it into change throughout the system."

Much ado had been made about the amendments to the amendment, that is to say, the proposed amendments to Bill 162. That begs the question: Do those amendments fix or cure Bill 162? The Ontario Federation of Labour, injured workers' groups and the New Democrats called on the government to scrap Bill 162, because it introduced cutbacks instead of improvements for injured workers.

The key faults in the bill when introduced in June 1988 were:

1. It abolished the permanent pension for permanent disability and proposed to replace it with a small lump sum in a deemed wage-loss



award. Deeming, as we talked of before is the process by which the Workers' Compensation Board decides what kind of wages an injured worker should be able to earn, even if the worker has no real chance of getting that job;

2. It introduced a weak reinstatement provision which did not respect seniority rights and which exempted employers employing more than 25 per cent of Ontario workers;

3. It failed to make vocational rehabilitation a right and in fact cut back on rehabilitation entitlement for injured workers;

4. It gave new discretionary and regulation-making powers to the Workers' Compensation Board, which had been misusing the powers it already had;

5. It took away the right of appeal to the independent appeals tribunal regarding impairment and reinstatement decisions; and

6. It created two classes of workers: those injured before Bill 162 and those injured afterwards. The rights of the pre-Bill 162 group to full pension supplements were restricted, although some workers would have the possibility of receiving a partial pension supplement to age 65.

On balance, the recent amendments to Bill 162 do not fix the bill. There are a few positive changes, some negative changes, and in general nothing that affects the basic structure of the bill. In evaluating the amendments, it is important to look at the wording of them, rather than just the government's explanatory material.

At the beginning of Bill 162 are several additions or changes to key definitions under the act. These are left mostly unchanged by the amendments.

Clause 1(1)(i): This is the definition of what is considered earnings under the act. This is not just a technical term—workers' benefit payments are based on whatever the act covers as earnings. A key area of controversy in the last few years has been whether employer contributions to benefits should be counted as earnings. The WCAT has been willing to include such contributions where the Workers' Compensation Board has often not done so.

Bill 162 provides for the continuation of employee benefits for the first year after an injury, but the initial draft of the bill removed employer contributions to benefits from the definition of "earnings." This was a pretty important takeback.

The amendments include a change in the Bill 162 definition of "earnings," but it is somewhat unclear whether they fixed the problem regarding

employer contributions. Whereas the initial draft stated that earnings would not include "contributions for employment benefits," the new draft excludes from earnings contributions made under section 5a for employment benefits. Section 5a, we should understand, is the section which provides for the continuation of employer contributions for the year after the injury.

One reading of the amended version is that it simply clarifies the intent of the original version, to provide for the continuation of benefits for one year but reduce the earnings basis substantially over the long haul. On this reading, the earnings basis would not include any employer contributions which would qualify for continuation under section 5a. The basic effect would be the same as the original takeback provision.

Let's consider definitions of "disability" and "impairment." These two key definitions are left unchanged by the amendments. However, it is worth drawing attention to them again. The whole structure of compensation for permanent disability under Bill 162 is built on the distinction between disability and impairment. "Disability" refers to the deemed loss of earning capacity; "impairment" to the physical or functional abnormality.

As was spoken of somewhat earlier in the article that was used in the Law Society of Upper Canada lectures, these are distinctions used extensively in the American Medical Association guides to permanent impairment, as they are used in United States workers' compensation systems. Two comments can be made about these definitions.

First, they add up to a very narrow view of the impact of injury and occupational disease on workers. There is no mention, for example, in the disability definition of the social and familial dislocations resulting from injuries, something emphasized by the Majesky-Minna task force report. This lack of a broad view of disability is reflected later in Bill 162's narrow and restrictive rehabilitation provisions.

The definition of "impairment" is also a narrow one. It refers to "physical or functional abnormality or loss," with the only mention of psychological problems being where there is psychological damage arising from the abnormality or loss. Does this mean that psychological conditions not related to organic problems, for example, chronic stress problems, will not be considered to be an impairment?

Second, many of what could have been seen as housekeeping amendments in Bill 162 amounted to inserting either the word "disability" or



"impairment" into various sections of the act. Because the act is a historical patchwork, it is important to look carefully at each of these insertions to ensure that long-established rights have not been eroded.

In that regard, we could look at subsection 3(7), which deals with injuries resulting from serious and wilful misconduct. Compensation is payable in such cases, often dealing with situations where a worker has broken a company safety rule, only where the injury results in death or serious disability. The WCB's long-standing practice is to consider that serious disability is any case of more than six weeks' lost time. Clearly, six weeks' lost time could result from a relatively minor impairment; for example, a bad sprain.

Yet in Bill 162 the word "impairment" is inserted in place of "disability" in the present act. Is a back strain serious impairment? Perhaps not. This is a good example of the awkwardness of putting new terminology into an old piece of legislation.

It is not necessary to exhaustively examine each situation where one or the other of these words is inserted. One idea that was proposed to the standing committee on resources development was to have each separate amendment in this vein carefully scrutinized with a view to seeing how the change would affect injured workers' vested rights.

The existing act does not provide in any way for the continuation of employer-paid benefits while a worker is receiving workers' compensation benefits. Bill 162 contained a short provision, section 5a, which provided for the continuation of employer-paid benefits for one year post-accident. Although the section contained a provision for a fine for noncompliance by the employer, there was no enforcement mechanism ensuring that the worker would receive the benefits.

The amendments very greatly expand section 5a. They seem to clarify the worker's rights under section 5a and make clear that the employer is responsible for any loss to the worker resulting from the failure by the employer to comply with the section. The amendments are thus an improvement on the initial version of Bill 162.

However, we have to keep in mind the earlier comments that were made regarding the exclusion of employer benefit contributions from the... from the earning basis.

We have considered the matter of the issue of costs in civil proceedings. The addition to Bill 162 of an amendment to section 8 has to do with a technical matter in civil proceedings by the WCB against third parties; for example, a private automobile driver who injures a worker in the course of his or her employment. There is no direct benefit here to the injured worker.

If we look at the amendments to sections 27, 28 and 29, these amendments do go further than the original version of Bill 162 regarding repeal and amendment of the above three sections. These are not important sections for workers. They deal with technical matters related to the WCB's dealings with employers.

If we look at section 36, we note that the amendments add two further subsections to section 36. One of the gains made under Bill 101 in 1985 was that the surviving spouse of a worker killed on the job had the same opportunity for rehabilitation under section 54 as would a worker under the act. The amendments to Bill 162 ensure that the surviving spouse's rehabilitation entitlement will be subject to the same restrictions as those imposed on injured workers by section 54a of Bill 162, including the strict limitations on assistance with job search.

The existing act provides a statutory minimum dollar amount for permanent total disability, with a corresponding minimum for other percentages of disability; for example, 50 per cent of the statutory minimum for a recipient of a 50 per cent pension. This progressive provision protects low-wage earners, giving them a measure of security from being forced into poverty by an accident.

Bill 162 provided for the repeal of subsection 42(3), apparently leaving no statutory minimum for permanent disability compensation, except for some special provisions for situations such as students or learners. This is a very significant takeback, affecting the most vulnerable class of workers. The amendments leave this takeback untouched.

Earlier speakers have spoken of the crisis that is apparent in workers' compensation in this province as being parallel to the crisis in accident insurance. We are talking about a real solution to real problems. The creation of a universal sickness and accident insurance scheme would resolve the crisis in workers' compensation and eliminate any need to concern ourselves with what is patently bad and totally unacceptable legislation, not just to the New Democratic Party but to injured workers, trade unionists, industrial workers and other workers across this province.



A universal sickness and accident insurance scheme would resolve the crisis, as I have indicated, in workers' compensation. It would similarly resolve the crisis in automobile insurance. A universal, comprehensive program would be a no-fault plan covering all disability caused by illness and injuries, regardless of their source. It would ensure adequate compensation for pain and suffering and loss of earnings, as well as benefits for the surviving spouse and children of those who die. A universal scheme would put a premium on rehabilitation.

We know, for instance, that in 1987, 121,000 people were injured on Ontario's roadways; 1,229 people were killed. We in Ontario rely on insurance or lawsuits to get compensation for motor vehicle accidents, and that system is in crisis. In 1987, the Liberals won an election on promising change. They set up the Ontario Automobile Insurance Board, which was designed, according to the, we now know, broken promise of September 1987, to produce reduced insurance premiums.

The auto insurance board having announced increases ranging anywhere from 17 per cent to 80 per cent on 13 February 1989, a crisis emerged again. Two months after that, what can be described as nothing more than a bankrupt Liberal government, unable to resolve that crisis, capped increases at 7.6 per cent to stall for time.

Similarly, we know that close to half a million people in Ontario are injured at work each year. That is four times as many as on Ontario's roads. Almost every day, a family loses a member in a workplace death. As many as 6,000 deaths per year may be caused by occupational diseases.

This government's attempt, through Bill 162, to reform the workers' compensation system has met with widespread opposition by the very groups affected: injured workers and labour.

Instead of invoking universal condemnation, the Liberal government should move to implement, before the next election, a universal disability insurance scheme that would incorporate coverage of the two main sources of injury, workplaces and motor vehicles, as well as other injuries.

The arguments for a universal system are as compelling as they are simple. Collapsing the multitude of existing compensation schemes, private insurance companies, lawsuits in courts, workers' compensation, provincial government benefits like the Family Benefits Act payments, social assistance for the disabled or criminal injuries compensation, and federal plans like the Canada pension plan's disability pensions, un-

employment insurance sickness benefits or the veterans' disability pension into one plan would save millions in administrative and judicial costs, as would rationalizing the delivery of rehabilitation services.

We could then use these savings to provide a fair and adequate level of compensation for all those suffering from an injury or disease. The unjust differences that now exist depending upon what scheme or jurisdiction one falls into would be eliminated. Most important, vocational rehabilitation would be greatly expanded to ensure that disabled people can take their rightful place in society.

That is not to say that this would be easy. There are a number of complicated issues to work out and there are very few roles models. New Zealand is the only country with a universal plan and it only covers accidents. For instance, how would disability from illness be incorporated? What about those born with disabilities? What would be the role of private insurers? What would be the role of the WCB? Furthermore, benefits and rights must be the highest provided by the different schemes, not the worst. Employers must retain the responsibility for workplace compensation and not pass costs on to the taxpayer.

The New Democrats propose that a comprehensive, open, public consultation take place before the introduction of a bill in the Legislature. Back in 1986, the Ontario Task Force on Insurance, chaired by David W. Slater, strongly supported a universal or comprehensive plan. In 1988, the Honourable Mr Justice Osborne concluded, after his inquiry into motor vehicle accident compensation in Ontario, that comprehensive disability compensation ought to be given more consideration. However, he felt that Ontario was not remotely close to implementing such a system.

Philip Osborne, unrelated to Mr Justice Osborne, provided the response to this argument in a paper prepared for the Slater task force, in which he pointed out that New Zealand, prior to the setting up of its Accident Compensation Corp in 1974, had only one no-fault plan, its criminal injuries compensation board, whereas Ontario already has another.

Experts who have studied insurance in Ontario agree that a universal plan has merit. The question is whether there is the political will to go ahead. Ontarians, and especially future Ontarians, our children, do not have the time to allow political inertia or vested interests to stand in the



way of progress on compensation for the victims of accident or disease.

As I indicated when I began these comments, it was with dismay that I recognized the obvious silence of all Liberal government members with respect to any of these issues, least of all with respect to the issue of workers' compensation.

We can clearly state that Bill 162 gives us no hope that a currently inadequate system of workers' compensation will be meaningfully reformed. Workers' compensation is supposed to be a no-fault insurance plan. The experience, however, is that the injured worker is punished twice for the crime of working in hazardous conditions, once because of the injury itself, the pain and suffering, the feeling that he is a burden on society, the injury to his self-esteem arising from the physical disability in the employer attitude that indeed the worker is now a cost to him, even though the worker has been a highly productive employee for years. All of this and more is borne entirely by the injured worker.

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The second punishment is financial. Injured workers lose at least 10 per cent of their net income while on compensation and many injured persons lose even more because of the ceiling on insured earnings. This ceiling is totally unjustifiable. Anyone who claims that injured workers must be financially penalized so that they have an incentive to return to work has a grossly inflated view of the incidence of malingering. Our problem here is quite the reverse. We know that most people want to return to work before they have fully recovered and the employer certainly encourages this. The number of walking wounded in mines and mills and factories across the province demonstrates that.

It is a truism that the Workers' Compensation Board itself often makes injured workers wait for a long time for their benefits due to the immense bureaucracy, endless rules and time-consuming investigations. This imposes needless hardship on many people, especially on one-income families, which describes the situation of many injured workers across Ontario.

It is certainly our view that this Liberal government has squandered an opportunity to make meaningful reform in the areas of workers' compensation or universal health and sickness and accident compensation in general and thus give more justice to, among others, injured workers.

I am concluding it is a truism again that Bill 162 is simply a bad piece of legislation because of what it does propose. Once again, the

limitation on temporary total disability benefits to 12 months is not understandable. It is, unfortunately, not all that uncommon for injured persons to experience injuries that are disabling for more than 12 months, even though they are expected to eventually recover to the point where they can return to their regular jobs. What is the point of putting those workers automatically into another category, which creates more bureaucracy and may reduce their benefits?

Section 5a, which we talked about earlier, only requires employers to maintain employment benefits for one year, no matter how serious or prolonged the worker's injury is. This is bound to create further hardship on the families of the long-term injured. Children do not stop needing dental care, prescription drugs and eyeglasses after a worker has been off a year. It hardly seems humane to penalize the children of injured workers as well. There has to be a better way. The cost of employment benefits should be included in determining the worker's future wage-loss benefits and this money should be used to continue his benefits coverage through the accident employer.

The Niagara region and the riding of Welland-Thorold are blessed with leadership like Mike Menicanin and Gary Cook at the United Electrical Workers in Welland; leadership like that provided by Larry Bishop; leadership like that provided by the Welland District Labour Council; leadership like that provided by the United Steelworkers, the Canadian Auto Workers and the paperworkers' unions in that riding.

This leadership among organized workers has been universally and uniformly in opposition to Bill 162. The Niagara region and the riding of Welland-Thorold are also fortunate to have the Niagara District Injured Workers' Organization, one of the most active injured workers' organizations in the province, one that has organized and led its membership in an ongoing battle against this legislation, one which has lobbied and educated across the province and again, as I have indicated, performed leadership not just in the Niagara region but at a provincial level in opposition to Bill 162.

There was some criticism of earlier speakers for talking about such things as the broken promise about Sunday shopping. This is a government led by a Premier who, it appears, had promised prior to the last general election that the status quo would be maintained, but then he reneged and broke that promise; a Premier who has rammed it once again to municipal taxpayers by virtue of the significant cutbacks



and freezes on conditional and unconditional grants to municipalities across the province; a Premier whose government has increased retail sales tax in the last instance by 14 per cent, from eight per cent, which we all know is a thoroughly regressive tax, a grossly inappropriate way of generating tax revenue.

We are looking at a government that is persistent in its broken promises. It broke its promise to reduce auto insurance premiums, which is not surprising in view of the fact that the auto insurance industry gave approximately \$104,000 in campaign contributions to Liberal candidates during the 1987 general election. It is like the old RCA Victor slogan, "His Master's Voice," on the ad showing a dog sitting with its tail wagging, face looking into the Victrola. What we are seeing here is an illustration of "His Master's Voice."

It did not stop there. I guess we do have to give some credit, because the contributions by the insurance industry were aboveboard; they were documented in the names of the actual donors. Only the most naïve would not expect these Liberal members of this Legislature to have not responded in due course and in kind to the generosity of the auto insurance industry. That has been demonstrated by virtue of the fact that the Premier and the Liberal government were prepared to suffer the label "liars" being applied to them by the public about the broken promise over auto insurance premiums.

The Premier and his government were prepared to suffer at the hands of the public the label "liar" over the issue of Sunday shopping.

**Mr Faubert:** You are still using it.

**Mr Kormos:** Of course I am still using it, because the public is still using it.

**Mr Faubert:** But you are using it.

**The Acting Speaker (Mr Furlong):** Order. I would like to direct the member to standing order 19(d)2, which states that your speech should be directed to the matter at hand.

**Mr Kormos:** What we are talking about—

**Mr Hampton:** On a point of order, Mr Speaker: Is there a quorum in here?

The Acting Speaker ordered the bells rung.

0510

**Mr Kormos:** I was talking about broken promises and deceit. I talked about the broken promise on the part of the Peterson Liberals with respect to auto insurance premiums. We all know about that. I talked about the \$104,000 in campaign contributions to the Peterson Liberals from the auto insurance industry in the 1987

general election. There is no dispute about that. It is a matter of the government here simply heeding its masters' voices.

I talked about some credit having to be given to that transaction because it was aboveboard or at least appears to have been. If there were any direct promises made about being an open government, those were broken promises as well. It all gets me back to what I talked about at the beginning, and that was filibustering. I told you, Mr Speaker, that I had heard this debate described as a filibuster. I told you I had looked it up in the dictionary and had discovered that "filibuster"—it is a Dutch word—predates our contemporary usage of it by a good period of time.

**Mr Faubert:** Was that Webster or Oxford?

**Mr Kormos:** It was the Oxford English Dictionary. It is a Dutch word, as I indicated, that predates the current usage.

One of the definitions of "filibuster" in the American usage is to stonewall. Really, as I have indicated about this debate and the disclosure of ideas and preparedness on the part of New Democrats to explain why they take the position they do with respect to Bill 162, the last thing in the world this is on the part of New Democrats is a filibuster.

What is a filibuster is the absolute and total refusal of Liberal members to stand up, as they have already been encouraged to do by so many participants yesterday evening and early this morning, and explain why they support Bill 162 and indicate whether they have even read or are familiar with the numerous articles and comments that have been referred to them, some read to them at length.

The concern one might have is that Liberal members have not read the material that has been discussed by a number of persons whom they have not had access to, and in that regard this whole course would be somewhat enlightened and they would now have an opportunity to respond to the material they have been referred to.

I will bet my boots that not one of these bold, brave people would dare stand up and debate, for instance, the article utilized by the Law Society of Upper Canada in its February 1989 lecture. Not one of those persons here would dare stand up and refute the comments made from any number of sources during the course of what was rather limited public consultation. We certainly have not heard it to date.

Interjections.

**Mr Kormos:** That is real stonewalling. That stonewalling is consistent with what has been going on here for the last eight weeks. What we have been talking about the last eight weeks has been stonewalling of the greatest magnitude. It has been dishonesty, deceit and stonewalling, nondisclosure of the highest order.

We are talking about significant pressure having been applied on a persistent basis by members of the opposition, and it only being as a result of that persistent pressure and persistent questioning that we have managed to scrape off some of the surface.

We are talking about far more than free fridges and paint jobs. We are talking about somewhere between \$60,000 and \$80,000 that was given from a charitable foundation to members of this party. We are talking about cabinet ministers who have arranged sweetheart deals for nonjobs for their mothers. We are talking about parliamentary assistants who have been on the take—

**The Acting Speaker:** I think we are talking about Bill 162.

**Mr Kormos:** No. We are talking about parliamentary assistants who have been on the take—

**Mr Reycraft:** On a point of order, Mr Speaker: The member has just used the term “on the take” regarding parliamentary assistants. That language is clearly unparliamentary under our standing orders and it should be withdrawn.

**The Acting Speaker:** Will the member withdraw it?

**Mr Kormos:** I will withdraw it, Mr Speaker. Mr Kanter got greased, and it was Mr Nixon’s parliamentary assistant who was on the take.

**The Acting Speaker:** Will the member withdraw those comments?

**Mr Kormos:** “Greased,” Mr Speaker?

**The Acting Speaker:** The words “on the take” are unparliamentary. Will the member withdraw them?

**Mr Kormos:** I will withdraw any allegation that a member of the Legislature was on the take. It was the parliamentary assistant’s campaign manager who was on the take.

**An hon member:** You didn’t say that.

**Mr Kormos:** That is why I am clarifying it now. The other parliamentary assistant, the one who got his basement rented, was merely being greased.

Those are my comments on these weighty issues.

**Mr Farnan:** It is at a moment like this that I am extremely proud to be a New Democrat. I am proud because basically there is a position of principle at stake and there is a group of people, a very significant and large group of Ontarians out there who have been abused by a very uncaring and insensitive system, and in the best traditions of New Democrats, our party is there to take up their banner and to carry their cause in this Legislative Assembly and to attempt to convince this government that the path it is on is the wrong one.

**Mr Ballinger:** This sounds like your Sunday shopping speech. You pulled the wrong file out.

**Mr Farnan:** Let me say that at this particular moment of time, I consider the fine speeches over the last 14 or 15 hours by my colleagues who have prepared themselves thoroughly and who have engaged in the debate, and I compare that with the kind of inane and nonsensical interjections we are presently getting from the member for Durham-York (Mr Ballinger). What an insult to the people of Ontario and the injured workers of Ontario when the member for Durham-York simply comes to this chamber, a chamber that was intended for debate of the substantive issues facing the province of Ontario, and all he has to contribute is inane interjections.

Interjections.

**Mr Farnan:** I am speaking of the member for Durham-York, who has consistently interjected.

Interjections.

**The Acting Speaker:** Could we have order, please?

**Mr Farnan:** I will continue with my remarks in the hope that my last couple of statements with regard to the member for Durham-York will quieten that member into the decency of listening to his colleagues who have come here to debate a substantive issue.

**Mr Ballinger:** Give me a break.

**Mr Farnan:** Let the record show that the member for Durham-York, when asked to co-operate with a member who wishes to contribute, simply said, “Give me a break.”

**0520**

Let me just reflect for one moment on the sad state of Liberalism. In studying different political philosophies, I have to admit that on occasion I have looked at definitions of Liberalism and there has been something that has been attractive. What has been attractive is the concept—and I say “concept” because there is a difference between concept and practice—the concept that individu-



als will think for themselves and will express their views and that there is a possibility within a Liberal tradition that one will actually take a position based upon his own individual reasoning about an issue.

That is quite an attractive concept. It is a concept that I think most rational individuals would be attracted to. Yet I have to look at the traditional and classic definition of Liberalism and the conduct of the Liberal members of the Peterson government over its term.

I see absolutely no evidence of the ability of individuals within this Liberal government to think for themselves. On the contrary, as I pointed out, if you get members such as the member for Durham-York whose only contribution is to shout abuse and to shout interjections, is that the evidence of an individual who is thinking rationally and contributing to the debate? No, that is not the evidence of an intelligent, involved member of this House. Many substantive issues have come before this particular assembly, and not once on a major issue before this assembly has a single Liberal ever thought through the issue for himself. There is a herd concept with regard to the Liberal Party.

Let me look very briefly at the issue of Sunday shopping and say that 40-odd Liberal members in a minority government were opposed to Sunday shopping. Given a majority government of 94 or 95 Liberals, suddenly there is a miraculous transformation, because now every breathing Liberal in the House is in favour of Sunday shopping. That is the kind of situation I am talking about.

We have a situation with legislation that will affect the injured workers of Ontario, and not one Liberal member of this assembly—and I look at the members here present: the member for Durham-York, the member for Northumberland (Mrs Fawcett), the member for Lambton (Mr Smith), the member for Kenora (Mr Miclash), the member for Durham West (Mrs Stoner), the member for Middlesex (Mr Reycraft), the member for Norfolk (Mr Miller)—not one of them will stand in his or her place in this debate; not one of them will rise and defend the principles of this legislation.

Is that not a sad commentary on what they are doing to this assembly? This Legislative Assembly is an honourable assembly. It is an assembly for which the people of Ontario pay a huge amount of tax dollars in order that the business of this province will be debated, will be vigorously debated, that issues of substance that affect their everyday lives will be involved in a dialogue with

the government, Her Majesty's loyal opposition and other opposition parties.

What the Liberal Party has done to this House is a tragedy. They have taken 94 individuals, who I am sure in their ridings do make sensible comments, do have chats in the coffee shop or on the street or with their constituents on their doorsteps or in their constituency offices, but it is extraordinary that while they might talk to their constituents in various parts of the province, as soon as they get to Queen's Park, there is a zip that goes across the mouth and their comments are no longer permissible.

The people of Ontario should know that the whip is on. Liberal members will not stand up and defend this legislation. The people of Ontario should also know that regardless of what Liberal members of this House think—and do not tell me for one moment that there is not one member out of 94 Liberals who does not realize that this legislation is hurting and will hurt injured workers—not one will vote against this legislation.

I have a small cartoon here that I would like to share with my honourable colleagues. I would like to be able to pass it around, but I will simply have to describe it for them. It shows two women having a conversation across the garden fence. In the background is an individual, a man, perhaps the husband of one of the two women, who is banging his head against a brick wall, the wall of the house. One woman says to the other, "George is conditioning himself for his visit to the Workers' Compensation Board."

If anything, there is a consensus in this House that the Workers' Compensation Board as presently constituted is in a mess and is in need of reform. Every member of this House has had the experience on a weekly basis of being inundated with workers' compensation cases. All of the players who deal with injured workers who have gone through the system, whether it is our constituency office staff, the staff of legal aid clinics, of the worker adviser, trade union advocates for injured workers, are aware and have testified that indeed the WCB is a mess.

It is common parlance between members of this assembly to refer to the Workers' Compensation Board as the swamp. When we meet each other and talk about the swamp, we know what we are talking about. Referring to it as the swamp certainly gets across the concept that it is indeed a bureaucratic jungle, something that sucks people in, tangles them up and absolutely disempowers them.

0530

We will not understand the tragedy of exactly what the Workers' Compensation Board is until we look at the individuals whom it affects, because we are dealing with people. I can recall when I was first elected, a middle-aged man came to my constituency office. It is not unusual, when dealing with the WCB, for all the individuals who come to have a thick file, to have attempted for years to get some kind of compensation, to have gone through every possible source of assistance.

I remember this individual particularly. He came into my office, and as a newly elected member in the election of September 1987, I suppose he was coming to me as another hope. He had been everywhere. He came into my office and he had a very large file. He had a belt tied around the package and he simply put this package, tied by the belt, on my desk and he said to me: "This is the background of my case, Mike. Can you help me?" It would have taken several evenings simply to read the individual's case.

It was not just the action, it was not just the size of the file, it was looking into that man's eyes, I think, that more than anything else captured for me the tragedy of the injured worker. I saw in that man's eyes despair; I saw humiliation, frustration, desperation. I suspect somewhere deep down within his soul was a glimmer of hope. How else can we explain the fact that he was still trying to beat the system, to get somebody who could crack the WCB and give some recompense for the injury he had suffered.

This is the situation of tens of thousands of individuals, the lives of individual workers. We are a society that is built upon, for the most part, traditional families of one form or another. When the life of the injured worker is damaged, when the ability of the injured worker to earn a living is constrained, it affects not only the injured worker, it affects his mate or spouse, it affects their children, it affects the relationships of all those who live within that family unit. It adds stress to the situation; it adds hardship to the situation.

Not only are we talking about the possibility of the individuals losing their jobs or having lost their jobs, we are talking about the real potential that they may lose their homes. We are talking about the real potential that they may lose each other, their spouses or their children. That is what injury in Ontario is all about: not simply the fact that you have a bad back and you go to work struggling through pain but that the relationships you have, the most important relationships in

your life, your wife, your husband, your kids, all of this is put in jeopardy.

There is, I think, total consensus on the fact that the Workers' Compensation Board, as it is presently constituted, is indeed a mess. The real problem is that the government has come forward with some changes that will not solve the mess that exists. According to the people who are most affected by the WCB and according to the individuals who are most knowledgeable of the manner in which compensation is exercised and carried out in Ontario, according to those two groups of people, the changes that the government is introducing are wrong. They are bad. They will make a bad situation worse.

**Mr Hampton:** On a point of order, Mr Speaker: The member for Cambridge is giving us a wonderful speech, and it is really sad that there are not enough Liberals in the House to provide us with a quorum to listen to him.

**Mr Reycraft:** What about the Tories?

**Mr Hampton:** I cannot speak for the Tories.

**Mr Reycraft:** I guess nobody can speak for them.

**Mr Hampton:** Really, do we have a quorum, Mr Speaker?

The Acting Speaker ordered the quorum bells rung.

0538

**The Acting Speaker:** The member for Cambridge has the floor.

**Mr Farnan:** I do appreciate the Liberal members who are wandering into the House at this stage, because part of the process here is an education process. The reality of the matter is that in a forum in which one is expressing ideas, there is always the possibility, however remote it may be when one is talking about the Peterson Liberals, that perhaps not only will an individual see the light of day—because I have to suspect that there are many of them who in their heart of hearts and in their souls already know that this is bad legislation.

There is always the possibility that they may, as a result of listening to the speeches of my colleagues, not only muster up the moral courage that will say, "I know this legislation is bad," but also one of the Liberals might have the moral courage when the Speaker stands and asks, "Are there any other speakers?" to stand up and say, "Yes, I want to speak on this and I want to speak against it."

I have talked about the tens of thousands of individuals affected by this legislation, indeed hundreds of thousands. We have talked about



their perception of this bill. Right now, let's talk about the consultation process. Over 600 groups applied to speak to the committee holding public hearings and only half the groups on the list of those who applied were actually scheduled to be heard.

Among those groups that in fact appeared before the committee, there was general consensus that in formulating this legislation the minister had not consulted with them. The people appearing before the committee were injured workers and advocates of injured workers, and it is an extraordinary fact that the Minister of Labour, under whose ministry this legislation falls, would have the gall to bring forward this particular legislation without touching base with the individuals it affects the most and the advocates of those individuals.

New Democrats presented what was a very reasonable motion. They said, "Shouldn't we listen to all of the people who want to be heard on this important subject?" I do not want to make a generalization. I want to talk about, let's say, one particular group or an individual injured worker. Remember that these individuals and these groups applied and their applications met the deadline.

An individual who has been abused by the system all his life, whose life has been ruined, perhaps whose family life has been ruined, applies to the committee to be heard and he is told no; or a group that has acted as an advocate on behalf of the members of their union applies to the committee. They have built up a body of expertise and a body of knowledge about what life is like as an injured worker in Ontario and about how the system treats those injured workers, and that group is also refused.

Why would the government turn a deaf ear to those injured workers? Why would the government turn a deaf ear to those advocates of injured workers? We have heard the almost tragicomic manner in which the government decided to proceed: The names of all the 600 groups that applied will go into a hat and we will pick out some who will be heard. People whose names are not picked out will not be heard. What a deplorable way in which to proceed. A game of chance.

The groups demanded to be heard, but this government was reluctant from the word go. We know that the committee would never have gone out to listen to injured workers had it not been for a demonstration just outside the doors of this chamber by injured workers themselves. Only in response to the desperation of injured workers,

expressed through a very powerful demonstration of their feelings, did the government agree to go out and hold these hearings.

The Liberal government tried to justify this by saying, "We don't need to listen to all the groups, because some of their stories are going to be the same." Let me remind members of what the Liberal government said during the Sunday shopping hearings. What they said during the Sunday shopping hearings was, "We don't have to listen to these other people."

On one occasion, the member for St Andrew-St Patrick (Mr Kanter) said, "Isn't it a pity more real people aren't coming before the committee?" Do members know why the member for St Andrew-St Patrick said that? Because all of the people who were coming before the committee were telling the government what it did not want to hear, that the legislation was bad news, a bad scene and bad for Ontario.

We had almost unanimous condemnation of this particular legislation, so the government, in one foul swoop, simply said: "We'll take half of the groups. The rest are not going to come. The rest are not going to have the opportunity to be heard." Perhaps the government simply realized that what these people were going to say was in opposition to this legislation.

They did not want to hear it. "I'm not going to listen to you, because you don't agree with me." How mature a government do we have? "I'm not going to listen to you, because you don't agree with me. I'm not going to listen to you, the injured workers of Ontario, bad backs and all, families falling apart. I'm not going to listen to you."

Let me move on in this scenario. The government committee did travel, and I think there has to be a real question. The question is very simple. When a committee travels it only guarantees one thing. It delivers the physical presence of a warm body to the scene of the hearing. That is all it does. You can deliver seven Liberal bodies to the scene of a committee hearing, but you cannot make them listen, and certainly, to ask them to think might be going a step beyond that.

**0550**

Why go through the charade? Why do we have to go through the charade? If the government is honest and if there is any integrity in this government, let it say, "We are going to ram this through." Why go through the nonsense of public hearings? I put it to the government that if there is any integrity in this government, when it sends a substantive issue out to a committee it is



declaring that it is going to put it out into the public forum and it is going to listen.

The reality of the matter is that the overwhelming response of the people of Ontario, the injured workers across this province, in every corner of this province, was that they unanimously said to the Minister of Labour and the Peterson government: "Don't do it. This is bad legislation. This is going to make matters worse. For God's sake, hold off." That is what the injured workers said to the government and that is what their advocates said. Let me tell you, those warm Liberal bodies sat there, and they sat there silent.

**Mr Ballinger:** We will still be around here in '92, '93, '94.

**Mr Farnan:** Obviously, when you touch a raw nerve you get the reaction from the rump, and you get the inane insults from the rump. I am happy to say that the member for Durham-York is once again prattling on with his nonsense. As I said before, he has absolutely no substantive contribution to make to this debate, nor have the rest of his colleagues.

But there is a difference. If you take a member such as the member for Elgin (Miss Roberts) and you compare her with the member for Durham-York, the member for Elgin has the good sense, although she is not going to contribute to the debate, to keep silent. She is going to allow other members the right to exercise their right. But the member for Durham-York, unfortunately, has not learned that lesson yet.

You can deliver the body to the committee room. They can sit there and listen to the entire deliberations, but if you expect a Peterson Liberal to actually digest the information, assimilate the information, come to conclusions about the information and then make a decision based on the facts, you are out to lunch. It will not happen. You are dealing with zombies.

Mr Speaker, I do believe that you are beginning to understand the approach that we are taking. We are repeating the arguments, realizing that members are having difficulty, but hopeful that if they listen, they may learn something.

The New Democratic Party and the labour movement see their roles very, very clearly. This is absolutely crystal-clear. The role of the New Democratic Party and the role of the labour movement is to stand in solidarity with the injured workers of Ontario and say, "We are not prepared to see you abused as you have been abused and continue to be abused under the type of legislation that this minister is bringing down."

The workers of Ontario have a right to a life of dignity. A life of dignity simply means the opportunity to be able to go to work, to earn a decent and honest living and to raise one's family with some sense of security. You cannot raise your family with any sense of security as an injured worker in Ontario under the WCB as it is presently constituted and under the WCB as envisaged by the Minister of Labour.

The workers of Ontario have accepted a system of organization that the WCB offers. It is a system of insurance that provides them with a minimum level of income. It is inadequate at best, but certainly there is something there.

I want to look at some of the major problems with this legislation as it presently stands and I want to do that by looking at the words of the people who appeared before the committee. Nobody can more eloquently state what is wrong with this particular legislation than the workers and the advocates of workers who have to deal with the system. There are perhaps four major areas of substantive criticism of this bill.

The first is that the dual award pension system will result in smaller pensions, particularly because of the system of determining a wage-loss payment based on potential jobs, not the actual situation of the injured worker. This is commonly referred to as deeming.

I can recall a Cambridge resident who came to my office not so long ago, Mr Mate, a fine gentleman. He was a male nurse who injured his back during the course of his duties. It was deemed by the WCB that he would be a real estate agent. He was just deemed to be a real estate agent.

#### 0600

Let me read into the record comments from the public hearings with regard to deeming:

OPSEU: "From the decisions made by the board in the last few years, we have every reason to believe that the proposed wage-loss system will be nothing other than bureaucratic voodoo, where the board slots workers into imaginary jobs that the board considers suitable and available."

Canadian Auto Workers council: "We can think of no way that 45a(3)(a) through (f) can aid an injured worker no matter what the regulations say in section 69, and we shudder at the thought that there are enough ifs, ands or buts in this proposed section that workers will be deemed all over the place."

Confederation of Canadian Unions: "We already know how the WCB is dealing with supplements under the current section 45.



Workers are seeing their supplements reduced or are being denied supplements on the basis of what the WCB deems the worker to be capable of earning. We see no reason to expect the WCB to change its practice after Bill 162."

United Steelworkers of America, Toronto area council: "Pensions must reflect not only an individual's loss of life but also actual lost wages, not deemed lost wages."

Canadian Union of Postal Workers, Timmins: "How does the worker receive an impartial determination from either a board doctor or one appointed by the board? Surely the minister is not serious about this change offering workers impartiality."

United Food and Commercial Workers International Union: "The injured worker will not necessarily have this job, but the board in their infinite wisdom will rule that the injured worker should be able to do the job and the wage-loss pension will be calculated on these fictional earnings. This is not wage loss, it is not rehabilitation, it is legal science fiction designed to save the board money." What an excellent description.

Sudbury Legal Clinic: "When this question was raised for the 1982 committee, they attempted to limit the basis for deeming by commenting on the notion of a suitable occupation. The idea was that if the suitable occupation was narrowly defined, then the deeming process would be fair and reasonable.

"Much of the testimony received by the present committee during the course of its hearings throws a great deal of doubt on this concept. It is submitted that this is because any system which is not based on an actual wage loss suffered by the injured worker due to the injury is bound to create problems by leaving too much power in the hands of the board.

"The bill does not provide any control over the board using the suitable and available employment criteria. The bill gives the board carte blanche to determine its own criteria for implementing the act. Thus, the board will be allowed to run uncontrolled in an area in which current experience has shown it to be quite incapable of making fair and reasonable adjudicative decisions."

So it goes on one after another. Groups that have been dealing with this particular issue state quite categorically that this particular area of deeming is a minefield fraught with dangers.

The second area is the area of rehabilitation. Rehabilitation is not guaranteed and in fact will be reduced.

CAW council: "The committee is rightfully proud of the fact that they were responsible for many of the initial investigations that brought about the Minna-Majesky report and are very disappointed that for the most part those all-important recommendations have been ignored."

Ontario Nurses' Association: "The government, instead of promoting and providing a right to rehabilitation as contemplated in the Majesky-Minna report, places far too much discretion in the hands of the WCB."

The Labourers' International Union of North America: "Successful rehabilitation offers the only opportunity to reduce the real cost of industrial accidents to injured workers and government and the only just way of reducing WCB awards. Bill 162 does nothing to improve prospects for rehabilitation."

United Steelworkers of America, District 6, of which Cambridge and Waterloo county are part: "The Majesky-Minna report recommends a case-management approach to vocational rehabilitation. The task force recommendations in general emphasize respect for individual dignity and quality of life, and the system recommended by the task force would ensure comprehensiveness and continuity of the provisions of vocational rehabilitation services. The meritorious recommendations of the task force have not found their way into Bill 162 either in spirit or in substance."

CUPW Ontario: "The system can never be successful without a genuine and effective commitment to rehabilitation. Such a commitment has never arisen voluntarily from the board and our members know that as long as the board retains discretion over rehabilitation, it never will. Only when the injured worker has a statutory right to rehabilitation and a corollary right to reinstatement will there exist even the possibility of such a commitment."

Labour Council of Metropolitan Toronto: "The Ontario government commissioned a lengthy, costly and excellent report on rehabilitation, the Majesky-Minna report, yet soon thereafter, the same government has introduced legislation on the subject areas studied which ignores the changes advocated in the report. The legislation provides a right to a vocational assessment but does not direct the board to provide services to the worker, even if the assessment shows the need for them."

The third area is that reinstatement rights are so truncated as to be almost meaningless and in fact are less than are presently legislated by the Human Rights Code. There must be a clear,

unequivocal guarantee of reinstatement. Again, let's hear from the groups appearing before the committee.

The Ontario Professional Fire Fighters Association: "I believe that we are being naïve if we suspect that lobbying for exemptions would not take place. One rule for everyone should be the only rule."

CUPE: "There is not good reason for such sweeping exclusions nor indeed for any exclusions. In Quebec, the only other jurisdiction with reinstatement rights, construction and small employers are not exempted."

United Steelworkers of America: "Is a worker who has been employed for less than a year any less injured? No. Therefore, should they not be eligible for reinstatement? Why is there not an obligation to a new worker?"

#### 0610

OPSEU: "Is it fair or reasonable that two workers, one with less than one year's seniority and the other with more than one year's seniority, both having permanent impairment of 20 per cent, for one to be reinstated and the other not to be reinstated? I submit that it is not only unfair; it is inhumane."

Again, the United Steelworkers of America, District 6: "The exceptions and qualifications to the employer's obligation to reinstate workers in receipt of benefits, and the weak penalty clauses for noncompliance with the reinstatement provisions, render these provisions completely meaningless. If the act cannot provide a meaningful reinstatement obligation, then the whole matter of reinstatement is better left to the Ontario Human Rights Code, which sets forth a broader, stronger obligation."

CUPE council: "This last provision contains no restrictions at all, and the board could exclude other workers one group at a time until all workers are excluded. Workers of Ontario have little use for a reinstatement provision which contains its own self-destruct mechanism."

Ottawa and District Labour Council: "We believe the exclusions under the bill are unacceptable. No reinstatement for workers employed less than a year. This flies in the face of what every safety officer knows to be a fact: workers are injured in far greater numbers when they are new to a job. Workers under a year suffer a greater chance of injury and should not be punished for it."

Nepean Professional Firefighters' Association: "Following years of no protection or right in this regard, the minister now wishes to exempt approximately one third of the present workers

by these amendments and refuses to specify the other employees to be designated exempt by regulation."

The Law Union of Ontario: "Availability of Human Rights Code recourse is small comfort given the time involved in such litigation, litigation which must be initiated by the complainant and within certain practical time limits. The provision as presented, however, has no teeth, affords no protection to many workers and allows easy manipulation of the system to avoid real obligations on the part of employers."

CUPE: "Both the Quebec reinstatement legislation and the Ontario Human Rights Code contain the power to order the reinstatement of a worker with back pay and benefits. Where an employer refuses to reinstate, it is only with this kind of remedy that a true right of reinstatement can be said to exist."

Finally, in this particular area we come to another substantive criticism, the criticism that the WCB will be given even greater discretionary power, as will the cabinet, through regulation.

The CAW council: "In our analysis of Bill 162, we have reached the conclusion that this section 69 may be the most damaging of all. This appears to be putting the fox in charge of the hen house. If past practice holds true, injured workers can expect little from board bureaucrats."

The Confederation of Canadian Unions: "In spite of the tidal wave of complaints about the administration practices of the WCB in dealing with injured workers, the government has chosen to give it even more discretionary power to interpret and administer the new law as it sees fit."

Brigid Cyr of Timmins: "An accident suffered while protecting the lives and resources of the province should not be followed by that kind of loss of control over the basic decisions about life. No other branch of government, from the UIC to welfare, gets to have that much power in deciding people's lives."

Billie Rheault of OPSEU: "The WCB acts as a law unto itself. Sometimes it shows mercy; often it does not. Sometimes it offers retraining; often it does not. Sometimes it stalls older workers; sometimes it stalls younger people. There is no pattern here except arbitrariness. Why should the Legislature give a board like that increased power to make its own decisions? What the board needs is restraint and a clear set of guidelines to ensure justice and fairness."

Ottawa Legal Clinic: "The perception of the vast majority of injured workers represented by



our clinics is that the board, whenever it can, uses its discretion to reduce or eliminate benefits and/or services to injured workers. We think it is therefore a mistake to provide even more power and discretion to the board to make decisions based on its own judgement, and we feel that is exactly what the effect of this legislation will be."

There are many more powerful statements made by injured workers and injured worker groups and advocates that I could read into the record, but I believe there are sufficient examples here which catch the general tenor of the remarks made before the committee and which clearly indicate disapproval of the provincial government and the course it has embarked upon.

New Democrats have certainly given careful consideration to injury. I believe on one occasion we sent one of our caucus to examine the situation in New Zealand, where there is a comprehensive scheme that has been existence for many years. But we have to look at the situation in Ontario and ask ourselves: In what way can we build a better and fairer society so that human lives will not be rocked by tragedy as a result of accidents and injury?

At present, there is a real difference in one's hopes for the future depending on where a person is injured: whether one is injured in a car accident or at work, or whether one is injured while fixing one's roof at home or injured simply playing ball in the park with one's children. I think we have to ask ourselves: If a person is injured in one circumstance, is that individual's needs not the same as the individual who is injured in another circumstance? Is that individual's family not as affected as a result of the circumstance?

**0620**

I think we have seriously to examine developing a comprehensive compensation approach to injury in our province. This of course would have been a courageous move for the government to take, but I think it is important that New Democrats go on record. The creation of a universal sickness and accident insurance scheme in Ontario today would resolve the crisis not just in the WCB but in automobile insurance. It also provides the needed alternatives to this Liberal government's proposal to weaken the workers' compensation system that is contained in Bill 162.

A universal or comprehensive program would be a no-fault plan covering all disability caused by illness and injuries, regardless of their source. It would ensure adequate compensation for pain and suffering and loss of earnings, as well as

benefits for the surviving spouse and children of those who die. A universal scheme would put a premium on rehabilitation.

Two visions: a Liberal vision that will make a bad situation at the Workers' Compensation Board worse, and a New Democratic vision that perhaps is the key to a fairer and more caring and sensitive Ontario.

In 1987, the latest year for which figures are available from the Ministry of Transportation and Communications, 121,000 people were injured on Ontario's roadways. There were 1,229 people killed. Ontarians rely on insurance or lawsuits to get compensation for motor vehicle accidents, and the system is in crisis. What the Liberal government has done for auto insurance they are now doing with the Workers' Compensation Board. They are making a bad situation worse.

The Liberals won an election in 1987 promising change. They set up an Ontario Automobile Insurance Board which ruled on 13 February 1989 that insurance companies could increase rates up to 17 per cent. Combined with a new classification system, some drivers were facing hikes of 30 per cent and more. Two months later, a bankrupt Liberal government, unable to resolve the crisis, capped increases at 7.6 per cent to stall for time.

The embarrassment was compounded by the Premier's remark three days before the last election, when in Cambridge he said, "I have a very specific plan to reduce auto insurance premiums." We know there was no plan; there never was a plan. A bad situation became worse under the Liberal stewardship, and the recent capping was an attempt at damage control.

Close to half a million Ontarians are injured at work each year. That is four times as many as on Ontario roads. Almost every day a family loses a member in a workplace death. As many as 6,000 deaths per year may be caused by occupational diseases.

My brother died last year of silicosis, an industrial disease; he was a baker. He was 52. My father died of the same disease, silicosis; he was a baker. The reality of the matter is that industrial disease affects individuals; it affects families. My brother had seven children. It affects every one of them. This scene is repeated over and over again. What are the kinds of guarantee of support for the families of those workers?

The government's attempt, through Bill 162, to reform workers' compensation has met with widespread opposition by the very groups



affected, injured workers and labour. Instead of invoking universal condemnation, the Liberal government should move to implement, before the next election, a universal disability insurance scheme that would incorporate coverage of the two main sources of injury, workplaces and motor vehicles, as well as all other injuries.

The arguments for a universal system are as compelling as they are simple. When you think about it, not to have a system that protects all our brothers and sisters is something that would certainly be a cross I would not like to carry. We can address this issue. It requires political will; it requires determination. If the government were to come forward and say to the opposition parties, "Let's reach out together to protect all our brothers and sisters in Ontario from industrial accidents and the effects of industrial accidents on their families; let's work together for a comprehensive system that retains the dignity of the individual," I am sure we would not be having this standoff, because it is something we could support.

The arguments for a universal system are as compelling as they are simple. Collapsing the multitude of existing compensation schemes, private insurance companies, lawsuits in the courts, workers' compensation, provincial government benefits like the Family Benefits Act, social assistance for the disabled, criminal injuries compensation, and federal plans like the Canada pension plan's disability pensions, unemployment insurance, sickness benefits or the veterans' disability pension into one plan would save millions of dollars in administrative and judicial costs, as would rationalizing the delivery of rehabilitation services.

We could use these savings to provide a fair and adequate level of compensation for all those suffering from an injury or disease. The unjust differences that now exist, depending on what scheme or jurisdiction one falls into, would be eliminated. Most important, vocational rehabilitation would be greatly expanded to ensure that disabled people can take their rightful place in society.

That is not to say that it will be easy. There are a number of complicated issues to work out and few role models, few leaders in the field. New Zealand is the only country with a universal plan, and it only covers accidents. My leader had the vision or, I suppose, the foresight to send to New Zealand a member of our caucus to examine the plan. It is tragic that the Minister of Labour would not have a comprehensive examination of this plan.

0630

**Hon Mr Sorbara:** I am willing.

**Mr Farnan:** The minister says he is willing. But here is a plan that is broader.

**Hon Mr Sorbara:** It does not cover industrial disease.

**Mr Farnan:** True; I agree. The minister points out that it does not cover it. However, what I did suggest in my remarks, and I am sure the minister was here when I made them, was that we could incorporate such a scheme that would cover all accidents. I think the minister heard me say that and the possibility is there; the challenge is there. What is not there is the political will.

For instance, how will disability from illness be incorporated? What about those born with disabilities? What would be the role of private insurers? What would be the role of the Workers' Compensation Board? Furthermore, benefits and rights must be the highest provided by the different schemes, not the worst. Employers must maintain their responsibility for workplace compensation and not pass costs on to the taxpayer.

New Democrats propose that a comprehensive, open, public consultation take place before the introduction of a bill in the Legislature. In 1986 the Ontario Task Force on Insurance, chaired by David W. Slater, strongly supported a universal or comprehensive plan. In 1988 the Honourable Mr Justice Osborne concluded, after his inquiry into motor vehicle accident compensation in Ontario, that comprehensive disability compensation ought to be given more consideration. However, he felt that Ontario was not remotely close to implementing such a scheme. Philip Osborne provided the response to this argument in a paper prepared for the Slater task force, in which he pointed out that New Zealand, prior to the setting up of its Accident Compensation Corp in 1974, had only one no-fault plan, its criminal injuries compensation board, whereas Ontario already has a number.

Experts who have studied insurance in Ontario agree that a universal plan has merit. The real question is whether there is the political will to go ahead. Ontarians, and especially future Ontarians, our children, do not have the time to allow political inertia or vested interests to stand in the way of progress on compensation for the victims of accident or disease.

It has been a pleasure for me to participate in this debate. I want to go on the record as saying that all of the individuals in my riding who are associated with workers' compensation—I am talking about the individuals who come into my



office. I would suspect that between 60 and 70 per cent of the individuals who come to my office are injured workers who have problems with the Workers' Compensation Board. In the close to two years that I have been a member, never once has an individual come in and sat in my office and said: "Mike, you know, that WCB is terrific. That WCB really looked after me." Never once in the almost two years, and my office deals with a very large volume of injured workers.

There is not one Friday that I go back to my constituency in Cambridge—and my staff schedules a resident to meet with me every 20 minutes—that there is not a significant number of individuals who come to me with WCB problems, and they are all problems of complaint.

Most of them are avidly interested in the subject, because it affects them so personally. I bet most of them have read and listened to a far greater amount of material on Bill 162 than I have, than most of the members of this House have, because it affects them so thoroughly, so absolutely. They want to know about this bill, so they have studied the bill in great depth. When they have a coffee in the coffee shop next door, they are as likely to be talking about detailed clauses of Bill 162 as they are to be talking about any other subject, whether it is baseball, family or whatever.

Indeed, in the area of workers' compensation, I would say many of them have taken the equivalent of a mini-law degree, self-taught. They have had to become lawyers in their own right in order to weave their way through the system, and they teach each other. An individual who has five years' experience of dealing with the board has developed a certain expertise and the word is out in the coffee shop: "You've just injured your back. You're going to go to the Workers' Compensation Board and you're going to have one hell of a time. You'd better go and talk to Joe. Joe knows how this system works and Joe will teach you."

But it is not an easy apprenticeship, it is not an easy learning experience. It is the school of hard knocks, it is the school of rejection, it is the school of desperation. It is the school where you reach out to anybody who can help you: legal aid clinic, union advocate, member of provincial Parliament. "An election. There's a new member. Well, the last member couldn't solve it, maybe the new member can solve it." It is desperation. "Please, won't anybody help me?" That is the plight of the injured worker.

I have not met anybody in my constituency office who has come to me and said: "This is a

good system. I know how it works. It's simple, it's clear, it's responsive, it's just, it's fair." I have had grown men, tough men, steelworkers, auto workers, men who spent their life working with molten steel, cry in my office in total dejection because they feel the system has failed them.

**0640**

They have studied the system and they have studied Bill 162. They are saying to the minister: "You have not come up with the answer." In fact, they are saying to him that what he is coming up with is going to make things worse.

There are the people in the constituency office. What are the legal aid people saying? The same thing. Trade union advocates are saying the same thing.

I want to make one last point. During the course of the debate, I have heard the minister refer to this legislation as being revenue-neutral. What that says to the injured workers of Ontario is that the minister is putting no more money into compensation for injured workers. That is what it says.

It is a lot of smoke and mirrors, of cosmetics. There is a lot of language. This Liberal government has probably spent more on consultants to come up with sexy language that will sell programs and sell an image than anything else it has done since it was elected. There is a lot of language that is a come-on, that suggests positive change, but the reality of the matter is that the minister says it is revenue-neutral. What that means is that if one injured worker is fortunate enough to gain a little extra as a result of this new legislation, another injured worker is going to suffer more in order to keep the bill revenue-neutral.

I have to ask myself this question: With such a rotten bill, with such a rotten piece of legislation, with a piece of legislation that is totally and universally rejected by the players whose lives are affected by it, why is the government pushing so hard? Why is the government putting the clamps on its members not to speak on the issue in committee, not to engage in debate in the House, not to suggest that indeed the injured workers and their advocates might be right?

The injured workers ask themselves the same question: Why? They come to this conclusion. The minister might not like this conclusion, but this is the conclusion that injured workers come to: that the minister is not the friend of injured workers and the Liberal government is not the friend of injured workers. They conclude that the government has its own friends, and it is not

them. They conclude that, choosing between friends, the government has chosen to cast its lot with the more powerful in this society, and that is its choice.

We New Democrats have made our choice. We are walking in the shoes of the injured workers and we are taking their cause. As a result, I think we can look in the mirror with a little bit more self-respect.

**Mr Pouliot:** I am very proud today to join with my colleagues to address what is really the ideology, the reason for being of every New Democrat, not only in Ontario but across Canada.

It is 6:45 am in a debate that started at 4 pm. I want to mention while I am on my feet the contribution of the member for Sudbury East (Miss Martel), who is our party's critic on the WCB and Bill 162 and who has been an inspiration. It is rare that we have a member in this House speaking for more than three hours, not killing time, not ragging the puck, with no pretence but with a lot of documentation, a lot of substance, telling and informing members of the House about real problems in the real world, a Joan of Arc. When it comes to Bill 162, the member for Sudbury East is indeed serving all Ontarians, more specifically all men and women in the workplace, a proud service.

I want to begin with this today. I am proud to be associated with the member for Sudbury East and I am very pleased that all members of this House, regardless of their belief on this bill, are sharing in my comments that it was not only a commendable performance—it was factual, it was substantive, it dealt with emotions—but, more important, it represented the aspirations of men and women in the workplace. No one could have done it better.

As I was reflecting on the contribution that she has made—I took the east lobby to be here and I saw the boss, I saw my leader. I asked him, "Did you get any sleep?" He said, "No. Well, maybe for five or 10 minutes I closed my eyes." We have a House with 130 people, 19 people with the official opposition, and I was reminded, through that inspiration, of the words of, I think, Tommy Douglas who once said: "If you give us 30 members, we will turn this Parliament, dealing with issues, upside down. You give us the government and we will turn it right side up."

I may be accused of being prejudiced, but I can assure members that you are proud at moments like this. You feel very close to your colleagues and you begin to relate to the workshop. Mind you, when it is three and four o'clock in the

morning, you begin to go back to shift work. You do not have the boiler room to catch 40 winks so that you can exercise in the shift change. I am not going to bore members with what the workers do. I am not aware of too many people who have been on workers' compensation, WCB or plain compensation, as it is more often referred to. I am one of them, through cyanide poisoning. I will deal with this very briefly in a few moments.

In terms of workers, you do not have to go outside to find out whether it is raining or not. For most people, you look out or somebody tells you it is raining and you believe it. It is quite a different story to be at the workplace, because you do not do what we do here and talk as much. You certainly learn to listen if you are going to hang around, if you are to be part of the group.

#### 0650

Harry Smith, an ordinary person, a worker, is part of a workforce of some 500 to 550 people. Under other circumstances, if you had taken a photograph, a picture, of, let's say, all the workers in Ontario or listed names in the book, he would have been there. There was no exciting characteristic about Harry Smith. There was nothing to distinguish Harry Smith from his fellow workers, if you wish. He could have been a face in the crowd, a number in a book.

Harry Smith has three children. He worked for some 12 years. In this case, he worked underground where he started as a helper on shift work. Like most people, he worked three shifts, was relieved on the job, the cage comes up, the cage goes down and you keep working. Then he became a scoop-tram operator. You know: You drill, you blast and you muck.

You really work as a team because not only is it essential in terms of safety, but there is a productivity reward attached to your performance piecemeal. You get a little more money. In fact, if you get soft rock, which is more dangerous but is called good rocks because it is more lucrative, you tend to press the pedal a little more to go a little quicker. It is a normal reaction. You can bring more money home.

Then Harry Smith, because of his diligence—he was alert and bright—became a face miner: you know, a drift miner who drilled with a jackleg. Not an easy task, but Harry was blessed with good health, like many of his coworkers, those who work at the face in a mine.

He had 12 years of working in a mine in those three capacities on a graveyard shift, nightshift, 12 to eight, where you are expected as a member of the crew to take a round. Take a round means that you drill and then you—it is an eight by eight



situation—blast and then you muck. Since you calculate the reward, the bonus system, on a team basis, you have to do your share because other people will do their share. Everyone will pull together.

Being around six o'clock in the morning, it is only natural that the team effort will prevail. Harry Smith went to help the person on the mucking machine, which is the last part of the operation, and got crushed against the drift. He was fortunate. He had a leg that was broken in several places, a very nasty and complicated fracture, the result being that Harry Smith was introduced to the workers' compensation system of Ontario, the system as we experience and know it today. This was his introduction.

The case was well documented. There was no problem for Harry to get into compensation. He became the recipient of 75 per cent of his wages minus the bonus, which was a very important component and a very large portion of the pay salary. He became a compensable accident, one of the many thousands that happen every year. He also began to experience a kind of bureaucratic inertia, confusion and a kind of class system within a class system. From time to time he went from a situation of relative dignity to real poverty.

This case was very simple. For two years Harry Smith got 75 per cent of his wages to a maximum established by the act. After two years, Harry Smith received a letter. One can never fault the postal system when one is about to receive an invoice or bad news; it is most efficient. The good news from time to time takes a little longer to get there, such as a compensation cheque, but when a claim is rejected it reaches one's mailbox quite quickly. This did not reject the claim of Harry Smith. It merely summoned Harry to travel to Toronto with no advance money. Expenses were to follow, but he would be granted the pleasure of an audience.

It was a very formal affair. It scared Harry Smith, but we have a good support system where I work. We helped and advised all we could. My colleague the member for Cambridge said we become coffee shop lawyers. We are certainly not that learned but through experience and necessity, and given our individual and collective survival instinct, you learn things. You have to, because it gets pretty rough and tough out there at times. There is no cuddly feeling. You do what you have to to make ends meet because you are in the business of making ends meet. That is the responsibility that you have. Harry Smith had that responsibility.

He travelled to Toronto and was examined. It had been two years and the leg still was not healing the way it should, but he had been 100 per cent disabled. By acquiescence, everyone said Harry Smith could not go to work. He was limping. He was in a cast, another cast, a third or fourth cast, always on crutches and from time to time in a wheelchair. No problem. He got 75 per cent. Two years down the system, Smith was told that his case will be reviewed. He could now be assessed for a pension, since his condition appeared to have improved somewhat. He was temporarily totally disabled—that is what the form said—but now they would assess him for a pension.

He added up and found in his case he could get 20 per cent. Members will recall that the same Harry Smith in the same condition was getting 75 per cent of a certain amount; now he was getting 20 per cent. The system was telling him: "You are 100 per cent disabled, but you are only 20 per cent compensable if you can go to check the mail or walk from time to time. You are not able to earn a living. We will compensate you to the tune of 20 per cent." Some five years later, an assessment review took place and Harry received, and to this day is still receiving, 35 per cent and is still 100 per cent unable to go to work.

**0700**

You have to really search long and hard to find another piece of legislation, another endeavour, another current, relevant subject matter that affects the lives of working people, that brings out the same emotions, the same disgust, that will start rumour mills galore, because it is made to be ambiguous, inconsistent and does not deliver the goods that it should.

If you talk to a small employer, he will tell you: "The premiums are killing us. I think I am working for the WCB." In the case of small jobbers, we may be looking at \$18, \$19, \$20 for every \$100 paid in wages. It is almost 20 per cent of the payroll, because of the incidence rate and because of the calculation.

They are very displeased. They blame the system. They blame use and they blame abuse. The less fortunate, the people who are the victims of an accident on the job, are saying the same thing. They have to wait two months, a month and a half, three months to get paid, living in fear, never knowing when they are going to get cut off or reassessed. There is mistrust, disbelief, anger, frustration, despair, family breakdowns, quarrels, fights, piques. I could go on and on. It brings out the worst in people, because of the

situation, and yet it was only yesteryear that normalcy was the prevailing factor.

People did not make noise. They paid their taxes. It is taken at the source, members will tell me. Nevertheless, they did not engage in any bitching or criticizing that was not legitimate. If the two or three children are educated and if you have a good job and you happen to hit lucky on the wheel and you have a good boss to go with it, you are fortunate in life. You have had your share of good fortune.

The case of Harry Smith is true. The name is fictitious, but the person is real. He is one of hundreds of thousands of people who each year find themselves in this dilemma, faced with this impasse.

I am quoting from those useful statistics from the Workers' Compensation Board. I am not the one saying this. I am just quoting the following.

Lost time: Lost time simply means Mary or Henry goes to work and gets hurt on the job. In 1988, 215,000 Ontarians got hurt on the job. In 1983, we had 147,000, and now we have 215,000 people, almost twice the population of Prince Edward Island. Members can relate to that. The SkyDome holds what?

Interjection.

**Mr Pouliot:** The member is allowed to speak. It holds 50,000 or 55,000. They are really sold out here. You have to wait in line. There are 215,000 people, four and a half times the SkyDome capacity. They belong to a different consortium indeed. Those are the less fortunate. The agonizing, the impasse, the dilemma goes on and on for every minute that I take of the precious time that is allotted me.

This is what happened. I had coffee with Harry Smith about—do not quote me—five or six months ago. He was aware of Bill 162, the introduction of the bill that we are presently debating. He really believed that the system was to change, that his situation was to improve, because the government of the day, with great fanfare, had said that what is wrong with the present system would be changed for the better.

So we said: "Well, let's really look into it. In your case, let's look at which clauses are most likely to benefit your circumstances and which clauses will perhaps present you with some obstacles. If we do it well, it will allow to avoid the pitfalls."

You had to be very wise. First, it was a document that was difficult to read, a document that was filled with ambiguities. We can comprehend the legal jargon; we have people who give interpretation. But it was not straight-

forward. It was at times as if you saw some remedy, and then you turned the page and, heaven forbid, it had been taken away.

Really, the bill was no better than the current act. In fact, in some cases, it was a step backward from what is already, by acquiescence, and this is universally acclaimed, a bad piece of legislation. I am talking about the present bill.

Six hundred groups applied; fewer than half were called. Those are people who have a vested interest. They are workers who wish to find out what is going to happen; they have a real story to tell and they want to know how their circumstances will be affected. They are worker advisers wishing to obtain the same answers. They are bargaining unit representatives who wish to address the injuries of their members meticulously. They hang on every word, they have different interpretations, they have consensus, they pool resources, they focus. More important, they live the legislation every day. They live it, so they understand it; they make a living at understanding the legislation. Almost unanimously; certainly the great majority of people.

I am talking about groups, clubs, organizations, vested interests and representatives of all walks of life, who have said to the committee, "We don't like what we see." Those are the people, in conscience, the minister wishes to help. He said the system, as we know it presently, needs improvement, so he would change it to make it better. Those people have analysed, scrutinized and focused on every word, and they are telling the minister that he has not even maintained the status quo; he has made it worse.

He has made it worse, because, they suspect, he has listened—with high respect, of course—to the wrong people.

**Hon Mr Sorbara:** Who's wrong and who's right?

0710

**Mr Pouliot:** Who is right and who is wrong? Why should I take the word of a minister against the word of a worker? That gives me the answer, and it is very candid. The people he wants to help are telling him he has missed the boat: "Greg, my man, you weren't there when I needed help." That is what those people are telling him, almost unanimously.

Why would they say this if it were better? They would not. They have no reason to shy away from the truth. They are telling the minister that should he insist on pushing this through, his



chances of success are worse than opening a bagel factory in Beirut. That is very clear.

This is the kind of trauma the minister leaves people. He will remember very vividly, I am sure, the demonstration of injured workers—we all do, those of us who were here—when the member for Scarborough West (Mr R. F. Johnston) and our leader had to go outside to appease the tempers. You had to be on the steps of the Legislature. You did have to speak several languages; certainly it was an asset in understanding. But if you could read faces, if you could listen to some real stories where people are beyond the need to distort, to catastrophize, to exaggerate, to minimize, but just open your ears and your heart without bias or prejudice and listen to the circumstances, you would come back and ask: How is it possible that so many people who are so legitimate in their grievances fall through the cracks? How can they slalom through the system? Where is the safety net? Where is dignity?

You do not have relative poverty; at that level you have poverty, a class system within a class system. “Harry Smith, you got your compensation. How did you do it? Good.” Not jealous, but envious, “Geez, Harry, I’m happy for you.” And you check the mail. You get to the point where you check the mail three times a day; it only comes in once.

And then people look down on you. You have to go and apply for welfare, after having worked all your life, after having made the system what it is today, with all its benefits. Eighty or 90 per cent of people are workers. You can be a member of the assembly and be a worker. I am sure you would qualify.

And what do you have left? The fear that if you are hurt at work enhancing the gross national product, following the system to a T, being an upright citizen, someone will pull the rug from under you.

There is a need to have a system in place that will enhance the situation, that will give the absolute guarantee to workers that tomorrow is filled with confidence, that the golden age is indeed in the near future, because they are covered. That is all they are asking. They are asking to work safely for a normal work life, be it 30, 35 or 40 years. They do not make noise. In fact, the latest poll tells us that 45 per cent of the people polled believe that if the government of the day should call an election tomorrow, it would get the support of people. Mind you, 29 and 25 makes more than 45, but I am not going to bore with those statistics.

The reason I say this is much more important. The government whip can have hysterics at times when we talk about polls and so on, but I want to remind him that things can change; whether they change or not is immaterial. The thing is that the minister has had people—academics, 600 groups—he has had petitions and he has had demonstrations. He knows how moving those can be, where one has to face the accused, resulting, like instant coffee, in a change of heart that brings forth public hearings.

Let’s not have the kind of threats and ultimatums—

**Hon Mr Sorbara:** Je vais la raconter, cette histoire.

**Mr Pouliot:** The minister tells us, through abusing article 24(b) of the standing orders, that he will tell people: “Je vais raconter cette histoire”—I will tell that story. Merchant of fear.

Tell them, tell the people. More important, let the minister tell them that he will stand and amend and amend again, until the recipients, the people for whom this legislation is intended, will come out ahead, not behind. That is the real story here, that we must compensate the risk-takers; not the risk-takers some people refer to, the members for Bay Street, but the people who put them there, the workers; not the preferred shares, but people belonging to the humble profit-sharing plan.

When the minister wants to tell the people, go right ahead and tell them. Please tell them he will make the system better, that they will benefit. It will be a feather in his cap. Either that or do the ultimate, but I am not going to lose too much sleep over that.

I want to wish the minister well. I know the minister’s strong character. He has a wonderful family. He has so much to be thankful for, and he would have more if he would listen to his clients, to his customers. Those people are working their crafts, they are experts in the field. If you want to get some plumbing done, you go to a plumber. If you feel the need for a psychiatric analyst, you do not have to take off your shoes; you go to the right people. They can help you.

When you address WCB, you go to the workers or their representatives, the New Democratic Party of Ontario, through the member for Sudbury East or the member for Hamilton East, people who have earned a reputation over the months and years for representing themselves, if you wish; the workers representing their own.

**0720**

A year, two years down the line, I hope to be so wrong. The minister will have seeded, when



he pushes this through, a kind of social upheaval, a kind of despair, an invitation to do irrational things, things that go beyond the accepted norms. The minister is not that kind of person; I do not believe he would deliberately, systematically seed provocation and the components of regrettable action. But things are not good in the marketplace. With respect, the minister has to listen. Make it easier to read. Make it more humane; bring forth the human dimension. Make it real: 500,000 people.

Pensions: 124,000 people, not a page torn from some document. Each and every case is an individual. They are people, people like the minister and I, not asking for a great deal but asking for straightforwardness, for a chance to trust, for simplicity, for fairness, not for confusion such as deeming.

The minister does not guarantee rehabilitation; that would take one line. But he wants to deem. In other words, he wants to make people something they are not. Under what the minister is saying now, the brother of the member for Cambridge can no longer be a baker because of silicosis, but maybe he could be a jockey at Woodbine if he makes the weight.

The minister is going to say: "Gilles, your analogy is not valid. It has no bearing." He could take it personally, perhaps, if I were to say that if the minister falls off his chair and hurts himself, heaven forbid, he could become a worker. Right? Is that one okay? No problem there.

How can you be deemed if you do not have access to your new role, as the minister does not guarantee rehabilitation? How can you become proficient? How can you do his new job if nobody has trained you? The reason no one has trained you in the transition is that it is not guaranteed by law. The stroke of a pen, less than a paragraph, would guarantee it.

Oh, no. Do not make it simple. Have it deliberately ambiguous so that a maze of bureaucrats can play the game, can control, really control; in some cases the destiny of people. It becomes a matter of interpretation. You will be summoned, enter, kiss the ring, have the pleasure of an audience, cap in hand, to have a faceless bureaucrat tell you that you do not qualify, that you have been sentenced to a lesser role, because the minister has refused to guarantee the right of workers to learn a new trade if they are no longer able to earn a living under the old or same circumstances. "No," the minister says, "we will not do it."

Time and time again, people have told the minister simply to listen—my colleagues have

done this; we have done this through the night—to what the Canadian Auto Workers council has said. I will not repeat those things and I will not go into some new ones, but I want to repeat that I believe there is a last chance here that fairness, common sense and sanity will prevail and that the potential pitfalls and shortcomings of tomorrow will be addressed today with a better piece of legislation.

Does the minister know how frustrating it is to spend afternoon after afternoon at committee and not be able to come up with simple things like changing the "shall" to a "may," because it is going to make it more compelling, easier to monitor compliance and it will simply work better? The minister knows very well that since it comes from our side of the House, since we are the ones saying it, no matter what we say, because with the New Democratic Party—we are the official opposition—it can never be accepted, not even one line.

We are told that the committee is nonpartisan. You can say, "Two and two makes four, but you have a typing mistake; you have written five." They are liable to say, "We'll take it under consideration."

Mr Speaker, where you and I come from, there are more important matters to deal with. So we readily rectify the platitude to make it better, and that is the way we work. We have got to make a living here. It is a quick-moving world. It can be beautiful. The sun will rise many times today.

**An hon member:** Only once today.

**Mr Pouliot:** Yes, only once today, ha ha.

C'est difficile d'attirer l'attention du ministre pour quelques instants; c'est encore plus difficile quand il s'agit de plus de dix ou quinze minutes. Le ministre a ses ruses et son attitude — une attitude que certains pourraient qualifier de cavalière, de temps à autre, à l'égard des travailleurs et des travailleuses de l'Ontario. Quel menu leur a-t-il proposé?

**M. R. F. Johnston:** Quel menu? C'est ça.

**M. Pouliot:** L'ambiguïté? La confusion systématique et délibérée? Les péchés de demain, créés aujourd'hui? La goutte que l'on leur a refusé quand ils avaient besoin d'un fleuve? Le manque de conscience sociale? L'exploitation, encore délibérée et systématique, des travailleurs et des travailleuses? C'est ça sa contribution au destin de ces gens qui non seulement paient son salaire mais qui oeuvrent quotidiennement.

Day after day after day, I say to the minister, people knocked on his door. He was not at his post for simple amendments that will make the



proposed legislation easier to live with. That is all we are asking.

I want to conclude. I believe there is a last chance that people are reasonable, that there is no need to get "hyper" or frustrated about this. When it is well explained and when people look at it and they are not prejudiced and have the welfare of workers at heart, or they should, as time runs out, either the bill will be withdrawn—it would take quite an act of courage, but it would be a feather in the cap of the minister. He would not be losing face. It may be seen that way. Egocentricity and vanity are important components. They keep people in their seats here. But it is a law for workers, so let's listen to what they want.

They are patient. They know that things are not going to change completely or significantly overnight, but they want to see real improvements. They do not see any.

**0730**

I want to urge the minister. I know he is well-meaning. I also wish to commend him on his stamina, if nothing else. I can certainly testify as to the minister's whereabouts on the night of 12 July from 12 to six, but he has to promise me—and I trust him—that there will be reciprocity in our testimony. I want to commend the minister for having been here and for having listened to our arguments. I hope that again tomorrow the workers of Ontario will stand here, through their representatives, and say, "We commend you for a job well done." I cannot say this today.

I also wish to thank my colleagues for their contributions. On a morning like today, I am indeed very proud to be a New Democrat. More than ever before, I understand our true calling, for we collectively represent what is best in society, which is our fellow workers.

**Mr R. F. Johnston:** It is nice to see people awake at this hour and active. I am pleased to be the last speaker our caucus will be putting up at this stage of the debate. I want to say a few things, if I might, about this night. In the words of Dr John, it was such a night. From our perspective, I think it was very important to our caucus and the workers, and I will come back to that.

To those people who have had to work through this evening and through the night, whether they are with Hansard or other officers of this House, they might question why it is that in the face of such an enormous majority and such inevitability, we would put these workers through these travails, and maybe they would have to be compensable at some point or other because of

the hours we have put them through and the work they have had to go through tonight.

I think it is just vitally important that they know this is not a frivolous abuse of their rights as workers in this House, but is a reflection of the history, the emotion and commitments of members of this caucus to individuals and people in general around the labour movement, around this issue of compensation. This is not something taken lightly. This is not something which is merely a parliamentary tactic set out to inconvenience those who work here and for posturing for these few moments upon this stage.

Speaking personally—and I know each one of our members has had some personal thing to talk about—I could not let this bill go through the way it is without doing everything I can to speak against it. Having known even just one man, whose name is Gerry Begin, let alone the hundreds of cases we have dealt with in my office since 1979 and previous to that, even when I was Stephen Lewis's assistant—I will come back to that.

Gerry Begin died of mesothelioma. I remember him on his deathbed in Providence Villa. This may be an inconvenient night for members here. It may be something which is going to tax us all, given that later on during the day we will have to deal with other matters. But remembering him there, it was just his luck or the luck of Rose, his widow, that finally mesothelioma, at least, had been accepted as a compensable disease linked to asbestosis. His timing, because it happened when it did and not six or seven years earlier, meant that he was actually going to get a pension for his widow. This was of great sustenance to him in those last few days.

But to me, seeing him waste away there, a brave ironworker, a man who used to come to our membership meetings and harass Stephen Lewis and harass me later as his member for not being as ideologically pure as Gerry would have had us be, it has meant that I have to be here today to say that this bill is such a disappointment. This is not what we want. This is not what the workers need.

There are points in history which must be noted. Even if we are up against a wall of 94 inevitable votes that will be against us on this matter, to be quiet through the night, to go quietly into the night instead of raging into the day as we are doing here, would be to betray our faith to our workers and to individuals such as Gerry.

I will come back to this later, but I think the important matter is to look at this in terms of history. Our leader tried to do this earlier on for



those members who were here at that point. Most of those who are here are the survivors of the night, the same old game, but one can say at least in some sense of having made it through an evening of considerable passion. I will just say that our leader, the member for York South (Mr B. Rae), tried to make it apparent to members just how important this moment is and where it stands in the overall history of workers' rights around compensation.

I think it is just vital for people to look back at what workers have been put through in this province. I remember Vera Dodds coming to Stephen Lewis's office. I think it was in 1976 or 1977, the first time I met her. Her husband had died of asbestosis. She was organizing some widows from the Johns-Manville plant and trying to fight against a bureaucracy which would not recognize that asbestos had anything to do with the deaths of workers.

Here we are, 11 or 12 years later, and the Bush administration in the United States of America has finally recognized that asbestos should be banned from virtually every product that is produced because of the number of people who have died, the number of widows who have been left and the number of children who have been put into poverty: millions of them. According to Dr Selikoff—I remember his work with Stephen Lewis back in the 1970s—millions of families were affected. Their lives were irreparably damaged or destroyed totally, like Gerry's was.

The governments and bureaucracies would set themselves up as apologists for profit-making corporations. Members here have to look at this in those kinds of terms. Maybe in 1989, it may now be that asbestosis is finally recognized as a disease in some areas.

I could go through a list of areas where we still will not compensate workers. I remember when we won the case here in the House for laryngeal cancer for the first time. That was in the period of 10 years that I have been here. Before that date, any family that was caught in that kind of a position, where it was difficult to ascertain the cause of the kind of cancer the worker had, was left with nothing. They were left to fall back on the welfare system.

Here we are in 1989, at a moment when we should be coming forward with the most progressive legislation that we can possibly find to be in advance of our time, to put all the benefit of the doubt in the hands of workers whose families have been killed all these years, destroyed by our unfeeling governments of the past, and what do we have? We have a terrible

piece of legislation; a piece of legislation which is produced by the very bureaucracy that has held these workers down for so many years, and we have it coming from a supposedly Liberal reform government.

If the government thinks we are going to be quiet about that, it is crazy. When we think of the gold miners of Ontario and we look at the history of the gold miners, we see that for decades people were dying in the mines from various forms of silicosis or from arsenic poisoning and other kinds of things which had carcinogenic effects on their bodies, and there was no recognition of industrial disease to protect those workers.

#### 0740

In 1989, we have some kind of program to protect some of those workers' families, but we have left out thousands of them throughout northern Ontario whose lives were irreparably damaged. I say to the members of the Liberal Party, this is not just a night to sit back and toe the party line. This is a night to look with conscience at how it is that industrial disease still is not adequately addressed in Bill 162. How many more people do we want dying? How many more people do we want to have left out of the system while we tinker with it?

Members can look at every aspect, whether it is industrial disease or industrial accident, and at the way the system has worked against workers. We come back to what my leader was saying last night about these programs out there basically being poverty programs, not a safety net for people to fall back into. Any change in that system that actually derogates from what is there—and I would suggest that this makes it worse than what we even have at present, even though it is very, very bad—is something which cannot be tolerated quietly.

I think of faces of people who have come before me in my constituency office who have been told—even though they are totally disabled, unable to work and to sit in a chair in front of me for an hour's discussion, but have to get up and walk around the room for a few minutes and then sit down again because their backs are so bad—that they are going to get 20 per cent pensions. Their families are somehow supposed to exist on that.

They come to me pleading again, "Can we not take another appeal?" I say to this government, after four years, is this the best it can do for those people? Do they not come into their offices? Do they not have these poor, harassed people before them who have gone into the maze of the Workers' Compensation Board, have been tor-



tured for years by the process, come out with a 15 per cent pension and whose families fall apart?

We have wonderful euphemisms that have developed in the system as functional overlay. For those members who have these cases come in that means psychological damage done not just by the injury, but by the way the system treats that person with his injury, a person who had dignity one day on the job and the next day is attacked as a malingerer by the system and has to try to jump through hoops to prove that he is not, gets worn down, starts to wonder whether or not maybe they are right and his family starts to wonder whether they are right and thinks, "Maybe my dad is a shirker."

I have had people come before me who have had part of their hands cut off and whose very job meant working with that hand. They have come up with a 10 or 15 per cent compensation package because that is what the meat chart said a couple of fingers were worth. Has this government got rid of the meat chart? No, it has not. It has left that kind of arbitrary system, as my leader said, going back to the Napoleonic age in this bill.

I cannot just sit by and say that this is something we can countenance quietly. In Ontario, at present, we have a series of programs for people who are disabled, all of which, frankly, are designed to disqualify them and send them off to another door to ask for money. We wonder why we stay here all night and punish ourselves a little bit in terms of our ability to get by today.

We should think of this for a person who is injured on the job but has no witness. For some reason or other, there was a problem with the filing of the claim. It was just a technical thing that does not meet the terms of the claim. What happens to that individual? While he is going through the battle, he and his family probably go on welfare and welfare wants to know whether he is really employable or not, so they harass him about whether he should not really be back at work.

He might try to apply for Canada pension plan disability. That will do one of two things. They may in fact grant him disability status. As one of our members was indicating, one can be considered totally disabled by Canada pension and get virtually nothing from WCB. On the other hand, it can go the other way around, and I have had this happen any number of times, where the evidence given by board doctors about a person's compensation claim has been used against the person trying to get Canada pension disability, even if their own doctor has said that they are

fully disabled. So a person is disqualified for Canada pension at the same time as he is fighting an appeal with the compensation board.

So what does he do then? He cannot get the Canada pension payment and he cannot subsist on welfare any longer. It is just an impossibility these days, with the kind of money that is available. So he applies for family benefits and they are trying to prove that he is permanently unemployable. The same medical evidence can be used against him in that kind of circumstance.

He is pushed from one bureaucracy to another, believing, as each one of these workers pries into his private life and tries to find ways to disqualify him from that program, that maybe he is not who he thinks he is. Maybe what happened to him did not really happen the way he thought it did. It undermines the very integrity of the individuals who are involved.

I do not know why, but as we started the debate yesterday I was drawn to Shakespeare for some reason or other and I started looking at some of the tragedies; sometimes for quotes, I have to admit, in part, but also there is something about the nature of a Macbeth or Hamlet. There is something about the nature of those tragedies, the setting for those tragedies, where one has something rotten in the state of Denmark or a loss of integrity within the hierarchy of Scotland that causes governments of the time, even if they are trying to do good things, to make bad decisions and to come up with things that do not reflect the positive philosophies of the principals of the groups involved.

I cannot help but wonder if that is not what is going on here; that we do not have a government which is in considerable difficulty over its own integrity these days, which is really being questioned in terms of its openness and the lack of walls and all the promises that were made and for the new Jerusalem that was being presented to us at the final demise of the Tory years; if there is not some connection between that problem of integrity that is over there and the failure to come up with progressive legislation that really meets the needs of the people.

I know members here have thought that we are taking a long time on this bill, not just overnight, but in general committee, and I know some of those members have not been here as long as others of us and that we will put this in context. But let me remind the members that we spent almost three years working on the Child and Family Services Act in the province of Ontario. Why? Because we thought that piece of omnibus legislation revising children's law was vitally

important. It went back to committee twice. We had public hearings twice during that period. We had a discussion paper that came out before a bill was drafted and we had public hearings on that. Then we had the bill drafted and we went back in public hearings on that. We took three years to deal with an important piece of legislation of that sort.

I remember the member for Hamilton Mountain (Mr Charlton) in his speech going through other major pieces of legislation and showing the time, the consultation and the consideration that was taken. I have to say to the members that this bill was worth it; the same kind of concentration, the same kind of time and the same kind of discussion with those people affected. It was worth it for the most poignant, emotional reasons one can imagine. Those people who arrived at our doors, screaming and yelling for justice, appeased luckily by my leader, to allow us to go through this process and let democracy work, rather than the rule of angry mob, those people did not come here because there was nothing wrong with the system. Those people came here in that kind of fashion in spite of their injuries, in spite of everything that has happened to them to hold them down and to demean them, everything that our system has done to them, because they desperately wanted change, because they desperately need to protect their families.

**0750**

They are beginning to lose faith in our capacity to help them. There is some evidence that in point of fact we are losing that capacity. When a Liberal government comes through with legislation that is primarily based on what the Workers' Compensation Board wants as changes, when a Liberal government turns down 50 per cent of the groups that wished to come forward and talk about the legislation, when a Liberal government does not even consult those workers or the workers' representatives—whether they be unions or the people who work specifically around accidents of injured workers on the job—before it drafts the legislation, then something is wrong.

It is no surprise there was that kind of fury, a kind of fury I had not seen for 10 years before among the injured workers, although we have had them here in numbers of 500 and more, trying to get their message across to past governments. Members like the member opposite were here for that. He knows that kind of emotion, that kind of concern and feeling. To have any kind of truncated process is such an insult to families that have gone through such

pain that I cannot believe it came from this government.

Members on this side have told the House all night long about the fact that we are talking about 500,000 claims, 500,000 families. Think of just the people who have been affected by asbestos poisoning in this province, whether it was at Bendix in Windsor or some of its other plants where it produced brake shoes, etc, or whether it was at Johns-Manville where it was dumping it into the atmosphere around the plant. I remember walking around the Johns-Manville plant out in West Hill and seeing great clumps of asbestos all over the ground. When you walked into the plant in those days in the mid-1970s there was dust everywhere. It was tangible. You could feel it.

Where are those families now? How many of those people have died of a cancer that was dismissed because the person smoked and therefore never went for compensation? Thousands of families have been left without anything, and we have to have a truncated debate; we need closure; we need to restrict the number of people who can come before a committee. Hell, we can have 900 deputations before the committee on Catholic school funding, right? We can say every doctor will be heard on extra-billing, and there is not a doctor who has died because he has not got extra-billing. They are all doing pretty darn well, it seems to me, finding one way or another around that legislation at this point.

We have families that have been in poverty because of inaction in the past. We have families where the death of the parent has just been devastating to the psyche of that family, and the government cannot give them a full hearing. It wants to rush through this legislation without a major amendment, in the kind of fashion that is being attacked by virtually every workers' group in Ontario. I do not understand it.

This does not strike me as what those guys are supposed to be about, but maybe this is what it comes down to and maybe this is the essential difference. When people out there start to wonder what the difference is between a New Democrat and a left Liberal, maybe this is what it comes down to. Maybe this is the kind of issue where it really comes down to the crunch. This is where the Liberals are willing to sell out. This is where they are willing to make the compromise and this is where we are not.

**Mr Miller:** You know we're not selling out.

**Mr R. F. Johnston:** I would never accuse my good friend the member for Norfolk, as an individual, of selling out, but I say to him, how else can we interpret the fact that we will give



every doctor a chance to come forward on extra-billing, that we will hear 900 deputations on Catholic school funding, but the Liberals will turn down workers who have lost arms, who have lost legs, who have gone into poverty, who have lost their families, or people representing people who have actually died, and will not give them full process here? I find it incredible.

I was looking through the plays I was talking about. I also came across one of them that was not a tragedy, but the title just seemed so appropriate that I thought I should look to see if there was anything quotable in it. I came across *The Comedy of Errors*, a black comedy indeed, one would have to say, in dealing with this particular subject.

I came across something that makes me think about all the extra powers that are given to the board here in terms of discretion and the fact that this is clearly something that was produced by the board for the minister, and I say to myself why is that? Does this not apply well in terms of this comment about a court? If you think about the court as the WCB, then what is said by this speaker might seem appropriate:

It would make a man at his wits' end to see  
how grabbling causes are  
handled yonder at the court.

If a poor man, never so honest, have a matter  
come to be scanned there,

is he out fast and overlaid with countenance?

If a rich man, never so vile a wretch, comes to  
speak, there they are,

all ready to favour his cause.

What with facing out bad causes for the  
oppressors and patronizing some

just actions for the wronged, the lawyers, they  
pocket all the  
gains.

The only thing I would say is left out of that when I am looking at workers' compensation and the way it works, is the role of the board doctors and their power. That is something that of course was not involved in this court in which the poor are basically shafted.

With respect to the changes in advocacy, again looking at this in a historical sense, if you were a case that came forward in 1968, especially if you were a nonunionized worker, the only hope you could get was to find yourself a Pat Lawlor or a Jim Renwick or a Stephen Lewis and get him to go to the compensation board for you. There were no organizations for injured workers. There were no advocates paid for by the government. What a change in the 1980s that all of a sudden some of those things are there.

**Mr Miller:** That's it; they're changing.

**Mr R. F. Johnston:** I think the important thing to say here is that yes, things are changing, but what I am trying to point out to the member for Norfolk, who I know looks at this with an open mind, is that we cannot look at this as a tiny point in history; we must look at it in the overall.

In the overall, we are still not very far along in terms of the rights of workers and the benefit of the doubt to workers in this system. We are still bureaucratized. We are still trying to disqualify. We are still caught up with the meat chart. We still want discretionary powers to the board. We want deeming by these functionaries of what a person should get. We have a system that is going to be just as unjust, just as dangerous as what we have had in the past. If we cannot see that at this moment in time we are not taking the steps forward that one would expect from this minister, then I think we have to understand that we do not understand what is going on here.

I came across a quote. I was looking at Richard III, because I have some pretensions, of course, in these areas and have often felt that if a Richard IV were ever to come along, perhaps I would have some rights there.

**0800**

The first lines in Richard III are wonderful lines. I will not read the whole speech that Gloucester says as he comes on to the scene with Richard, but the first few lines are as follows:

"Now is the winter of our discontent

Made glorious summer by this sun of York."

I thought perhaps for the minister's ears I might paraphrase that and change it somewhat and just say:

"Now is the summer of their discontent

Made terrible winter by this sun of York"—my member being from York, as members will know—"with all the travails having with scandal."

With all the difficulties of integrity the government is now having, this sun of York is not making it easier by coming forward with this kind of legislation. All he is doing is adding to this summer of discontent in his own way because he will not listen, because he will not amend in any substantive fashion, because he will not open the process to the workers who deserve far more than what they are getting at the moment.

**Mr Miller:** This is election time.

**Mr R. F. Johnston:** Election time? We would welcome an election on this issue. It would be a wonderful thing to have an election on this issue.

We think this would be very important for us all, a chance to show what the real differences are between our two parties and to indicate to the workers who is on whose side, because at some point that old labour line becomes true: You have to decide whose side you are on.

I think it was the member for Cambridge who used that kind of language in his presentation to members, and it is true. The government has made its decision. The government decided who it would listen to. It was not the workers it decided it would listen to. It decided it would do this without prior consultation with the workers. It produced this legislation without any discussion with those groups and then it went to a committee and it instructed its members on that committee to reduce the number of deputations to 300, even though we were going to have over 600 groups we knew were going to apply to come forward, let alone the individuals who have been so aggrieved in this process.

I would have hoped that a government that calls itself Liberal reform, which has had four years to look at this matter, would have (1) started a process of consultation much earlier, and (2) had its parameters much broader than what it has done. It would have come through with recommendations that were limited not just to what we have before us or not even limited to what was in the Majesky-Minna report that members have heard so much about this last evening and night; it would perhaps have addressed the whole issue of whether or not workers' compensation can be a just system or whether it will just be a part of a hierarchy of denial established by government to frustrate workers.

We have had preliminary discussion of the concept of a universal accident insurance plan since at least—I forget when Weiler did his report on that. Was it in 1983?

**Mr B. Rae:** It was 1981-82.

**Mr R. F. Johnston:** It was in 1981-82, my leader reminds me. Our party has had a resolution in favour of moving in this kind of direction since the early 1970s. Here we have a Liberal government that surely, looking at that morass of bureaucracy known as the Workers' Compensation Board as it came into power, must have known that tinkering with this thing was not going to do any good, that the very structure of it is such that it is going to be part of this hierarchy of denial I was talking about earlier, where you get Canada pension plan, family benefits, welfare and the Workers' Compensation Board all working together to frustrate individuals in

Ontario, to force them to prove how they were injured, how badly injured they are and to try to find ways to make sure they do not qualify for any of the programs.

Surely it would have been an appropriate time, especially when the government has taken four years, to look at a massive overhaul of this system and not do the tinkering it has done. Surely it would have been a time to look at the concept of accident insurance so that no matter where you are injured you have coverage. Why should it be in Ontario that if you are injured on the job and you have a witness, you are guaranteed one level of assistance, and if you are injured falling down the stairs on your way to work, it depends on your private plan entirely or you have to fall back on the family benefits system for some kind of protection.

If you are born disabled, you have another kind of plan that affects you. If you are injured in a car accident on your way to work, you have another kind of coverage that comes into place, which may or may not protect you, and these days, goodness knows how well that is going to protect you.

Why was it this government did not look at that overall system and say, "Let's take a look at what is being done in New Zealand and see if there is something that is transportable to here." We know that Saskatchewan, before the demise of the Blakeney government, was looking seriously at that kind of move and had done a fair amount of work on it in terms of its possibilities. Why did we not get that kind of move, given the history I am talking about, of the devastation to families, of what the compensation board system has done to them since the turn of the century? Why did the government not do that kind of thing? Why did it not look at a massive overhaul?

George Thomson, in the report of the Social Assistance Review Committee, raises that issue and says it is an obvious area for people to go in. The last time we made a major presentation on it was to the SARC committee in July 1987. We produced a document in which we said that this kind of concept has to be brought in, that some rationalization on disability has to take place. We were advocating, of course, that it not just be for accidents, but that the government include illness so that industrial disease would clearly become an important component of the compensation package, not the hard-to-prove, demeaned side of things that it is.

I do not know how many times the member for Hamilton East has raised cases in this House over the years of people who have come in contact



with toxic chemicals where the cancer rates have risen enormously for those people. Yet the compensation board has been unwilling to move and unwilling to act on it. I do not know how many times he has done that.

It is a litany that I think should be shocking to some of the new members of this House. Year after year, at least in the 10 years I have been here, and I know he was doing it for years before that, the member for Hamilton East would come forward with cases where no justice was being meted out to people. Here we have a totally inadequate approach to a legislative solution, a terrible process for consultation or lack of consultation, and some presumptions that are just dead wrong.

The member for Sudbury East, who did such a remarkable job earlier on, has not only been furnishing us with our major substantive speech on this matter, but has also been doing annotated research, for those of us who follow, well above and beyond the call of duty. She has done this because she was bemoaning the fact that in the short three hours and few minutes that she spoke, she was unable to bring in some of the arguments that were raised by the Union of Injured Workers or by the legal clinics as they made their presentations to the committee. They have produced documents that I dare say most of us in this House have not read, but that should be read in terms of their concerns around this legislation.

I think it is important to know that we are picking on the same kinds of issues. We are talking about the discretion of the board. We are talking about the lack of guarantee of vocational rehabilitation. I think, again, it was my leader who earlier in the evening, at about 20 minutes to 11 as I recall, spoke about this matter. If the government wanted to save one thing out of this whole thing, if it wanted to do one major change but not change the whole system at this point, surely it would be the guarantee that somebody is going to get his vocational rehabilitation, not a guarantee that he is going to get an assessment and not that he is going to get another opinion by that group of doctors at the WCB.

**0810**

Again, maybe we should have done a poll of Liberal members. Do they get no cases in their constituency offices? Do they not know what injured workers are running up against? Do they not see that this kind of thing is not going to change anything, that the same people who have been denied meaningful vocational rehabilitation are going to be denied it again under this system? What kind of government is this, which hears

from hundreds of groups, most of which focused on those recommendations out of the Majesky-Minna report and noticed the terribly weak wording of that section, yet when the government comes through with its amendments does not address it?

Where is the government positioning itself? I have used the word Toryfication for what is taking place with those guys. It is turning them into Tories. The next stage is petrification, and they should know that. That is the slippery slope of devolution that is involved there for Liberals.

What has happened to the government that it is not listening to people? Surely, the guarantee of vocational rehabilitation should be part of any major amendment to workers' compensation it is going to do. How can it possibly be that they do not move in that direction? How can it be that the minister makes it sound as if it is there? Even more to the point, how can it be that the minister goes on television, speaks to workers' groups and makes it sound as if they have this guarantee, whereas all they have is a guarantee that they will be considered for an assessment? I do not understand it.

These same workers' groups raise the other fundamental issue, which is also something we hear from everybody who comes into our office: reinstatement, getting a job back, getting the chance to work again, getting that obligation on the employer. Yet the truncated language the government has put into its amendments means that virtually nothing will take place. An employer can play a waiting game, can play it out in such a way that the person will never get reinstated, just as now it ignores any kind of imploring by the advocates on behalf of workers to get them reinstated. The government knows that is the case.

On this business of basically saying that a person can be deemed to be ready for a certain kind of lighter work, I say again that I do not know who comes into Liberal members' offices, but I have had so many cases over the years where people have come into my office unable to stand for more than 15 minutes at a time who are being told they can do light work. They have grade 2 education, and the only kind of light work involved in the business they are in is an office job which would require them to have a college degree.

Of course, they cannot get any training for that. They are not seen to be rehabilitatable enough to be able to get that. So they hang about, or they are offered a job which is too tough for them.

I remember one fellow, whose name I will not use because he might be embarrassed by it, who was given a job sweeping, which was light work compared with what he had done in the past. He had done a lot of heavy lifting, and that is how he, in his first claim, threw out his back so badly. In the second claim, he had something fall on his knee and wreck his right leg very badly. The third claim was an injury to his left arm. Maybe sweeping would sound like a good idea, but it was sweeping eight hours a day, and Joe could not stand for more than 10 or 15 minutes at a time. So three times in one year Joe went back, because he is a proud man, and collapsed on the job. He was taken off by an ambulance to hospital because he was trying to meet the demands of light work as deemed by somebody else.

I find it impossible not to be passionate about this. I find it bizarre that people on the other side, who have met these people in their offices, apparently, are not passionate too. We have so many things we deal with here, whether it is line fences or other kinds of legislation, which affect people's lives to one degree or another but do not affect their ability to survive, the ability of a family to hang together psychologically and emotionally, do not destroy the kind of role the father has within his family, in most cases, in terms of how they look upon him.

Yet members opposite sit back in committee or here without speaking—interjecting perhaps, but not speaking—and do not understand why we are so angry. I could not believe it the other week when I heard, through the Progressive Conservative House leader, that the government House leader still was not sure that we were serious about this issue.

Serious about this issue? My God, this is an issue which defines who we are. Think about that for a second. It defines who we are as a party. One of the wonderful things that is happening tonight for us is that it has brought back to us just who we have advocated for over the years. I remember working for Stephen Lewis in 1976 and why I was desperate to go to work for him in the campaign in 1975. It was because of the work he had been doing in this area, as well as working around learning-disabled children, that attracted me to the work he did.

I remember when I first came into this House and met Bud Germa, a member for Sudbury who was a miner, and the way he would talk about compensation cases, and Odoardo Di Santo and the work he did. I do not know. The member for Sudbury East said she has had 300 cases in her

office, or more; I may have lost the numbers over the hours here. But I remember that people would come from all over Metro Toronto to Odoardo's office in Downsview. Italians from my riding would go there to try to get Odoardo to advocate. He would be there in his riding nights, have 12 to 14 groups coming in and 10 of them would be compensation claims.

Ross McClellan for years advocated in this House around these issues. When we talked about election campaigns it was always Ross and others who would say: "The reform of compensation, a total overhaul of the compensation plan, has to be part of what we're talking about. It's a symbol of what we stand for."

So when I stand here this morning, at the end of our evening of remarks and passion, I say to members that it should not surprise them that the 13 of us who are here in the middle of this summer are all speaking so strongly about this issue, such as the member for Algoma, who led off for us and who for years has been talking about people in the wood and mining industries in his area and the claims they have had.

I am sure the member for Nickel Belt (Mr Laughren) would love to have been here to participate in this, because I cannot think of anybody who has done more to try to get the idea of universal accident insurance across as a priority to our caucus and to members of this House over the years. He has brought cases of mine tragedies to the floor of this Legislature. Again, one has to look at this in an historical sense. For years and years he has talked about unnecessary deaths and families that were destroyed.

That is why we are here now. This is not some perfunctory performance the government is getting.

The member for Windsor-Riverside (Mr D. S. Cooke), for the Bendix workers, the asbestos workers who died, the workers who left that company never to be found again who may have died and whose families may have been disrupted.

Of course, our leader, who in his opening remarks—we all speak from very personal experience here—spoke very passionately about this being one of the major things that thrust him into politics. One of the major politicizing effects for him was taking claims and seeing what came out of working with steelworkers.

**0820**

I know the member for Etobicoke-Lakeshore (Mrs Grier) and her predecessor Pat Lawlor have cases from their large industries, whether it was



the rubber workers or others out in that area, which they brought before this House or which they or their staff took personally year after year before the Workers' Compensation Board.

Kathy Bradford, who does most of the compensation board cases now in my riding, has been reduced to tears more than once in angry frustration by how the board does not respond to the needs of individual people, where the mindless bureaucracy of it all is so inhumane.

I know the member for Oshawa (Mr Breagh), who is not in his seat at this moment, has raised cases out of the Oshawa area in the almost 15 years now since he was elected. The member for Riverdale (Mr Reville) and his predecessor, each one of us, have important visceral connections with this issue.

If the members wonder why we seem so angry and so stunned by the performance of the government on this matter, it is because of that. It is because of the individual faces imprinted in our minds, people who have either been hurt marginally or people who have died.

We cannot have a half-baked piece of legislation go through without saying that over and over, in the hope that Liberal members will understand it, because in the end, in face of the wall of a majority like theirs, there is nothing else we can do.

A special commendation has to go to the member for Hamilton East (Mr Mackenzie). Just the mention of his name will raise bile and blood pressure among any number of members opposite, which is a measure of his role in labour advocacy over the years. I can think of no one in our caucus who has done more to fight continually around these issues. If the members remember his speech last night and the calm method he started off with, that passion and anger is just in every ounce of his blood because of what he has seen over the years.

It would be hard for a person like the member for Hamilton East to accept any piece of legislation on compensation from a Liberal government or a Tory government. I accept that. But by God, do the members not understand how it just grates his very soul seeing the kind of legislation the government has come forward with? He knows people in United Steelworkers Local 1005, hundreds and hundreds of people, who have suffered because of our system at the moment. He knows them personally. He has seen what has happened to their families. And for the government to come forward now with this kind of legislation is just an offence to him.

There are other members, the member for Etobicoke-Rexdale (Mr Philip) and the member for Beaches-Woodbine (Ms Bryden), who are not here, whose cases are similar, but I want to draw special attention to the member for Lake Nipigon (Mr Pouliot), who dwelled very shortly on the fact that some of us have had compensation claims. I had a small back injury at one point. This is a man who was poisoned underground in the mines. I was amazed how restrained he was in his remarks.

**Hon Mr Sorbara:** He's turning red. You're embarrassing him.

**Mr R. F. Johnston:** He is a man who speaks from a very visceral experience and not just the Harry Smith example he raised, that man with a fictitious name who represents now so many real cases we have seen. He himself is somebody who has understood the dangers within the system.

The member for Welland-Thorold (Mr Kormos) did yeoman work at one of the toughest hours of the morning to help us through, when it is hard to keep a rational thought let alone keep it cogent for as long as he did.

**Mr Reycraft:** He certainly found it difficult.

**Mr R. F. Johnston:** I am pleased to see that he also gets this kind of visceral reaction from these people. I think it is a sign that he will be here a long time, as was his predecessor, who worked so hard for ordinary, average workers in that area of Welland and Port Colborne, with the kinds of problems they have had.

**Mr Pouliot:** Just a shift change.

**Mr R. F. Johnston:** Exactly. He is just on a different shift and will be back shortly. There are only certain punishments people should have to endure: We have designated these people to hear my final remarks, and not all the other caucus members have to put up with this sort of thing.

The member for Hamilton Mountain spoke wonderfully, a member elected long before me as well and who has been fighting this battle, raising cases from the Hamilton area, for a long time. He spoke wonderfully last night for a very short time. I was disappointed with the length of his remarks but they were to the point, which is important.

**Mr Miller:** Where were you?

**Mr Reycraft:** You must have slept through them.

**Mr R. F. Johnston:** I was resting at the time, it is true, but I was watching.

Some members will not remember Monty Davidson, who was a member for Cambridge. The kind of speech the member for Cambridge

gave today follows in the tradition of concern for workers. I remember Monty raising issues around the Babcock and Wilcox plant and a lot of the compensation problems coming out of there. I thought the very passionate plea made this morning by the member for Cambridge spoke volumes and speaks well to a tradition which has been really important to us. Putting this in context, this is not an individual who has just arrived here in the last election who has chosen to speak today. This is somebody who speaks from a deep tradition of the NDP within his riding, within representation here in this House, as part of that notion of who we are about.

The member for Rainy River (Mr Hampton) from the northwest spoke about the problems in the wood industry where Boise Cascade or other kinds of industries in that area are well known. I am glad he was able to participate tonight.

I want to end with my little runthrough of the stalwarts who were here to put forward our point of view with special commendation again for the member for Sudbury East. It would be too easy to dwell on her familial connection around this issue, because everyone knows how Elie fought the good fight on this for so many years. I have given the odd slightly long speech in this House, and will admit in front of Alec McFedries and others at this point that there was some filler in those speeches, but I have not heard in my 10 years here a three-hour speech that had so much content, that stayed largely away from the polemic. I chastise her for that because we need more of that sort of vituperative remark, I think. She will learn this as she is here longer.

It was a wonderful dissection, much like she did at second reading, but this time with even more precision, a scalpel attack on this piece of legislation which should have brought the government to its senses, whether it was the process of how it has handled this and the way it has not involved people, or whether it was substantive sections of the bill, whether around rehab or other kinds of matters.

It should have told the government that it is sending out the worst possible message to average working people and families in this province. They are sending out a message of their Toryfication. They are basically denying that they are reform Liberals. They are putting the lie to those years in opposition, when we would lead the charge on workers' compensation issues and they would leap up with, "Me too, me too." In fact, that "Me too" was a very hollow statement of intent.

When I see a headline which says, "NDP Takes Late-Night Stand Against WCB Amendments," I am glad we have. We have heard a number of our members say how proud they are to be New Democrats today. I would just—

**Mr Reycraft:** Page 2 says it's a filibuster.

0830

**Mr R. F. Johnston:** The government whip is saying that page 2 says it is a filibuster. A filibuster is not necessarily a negative concept, as far as I know. It is all in the mind of the hearer. It is not necessarily a negative thing.

I was reading Beauchesne earlier on—and I know the table would be glad to pull it out for me again if I were to ask—and looking at the principles upon which our system is developed, the first thing that is mentioned, the first philosophical precept, is that the rights of the minority must be enhanced within the parliamentary system. That is the first one that is put forward.

In the face of the government's obdurate decision to move in this direction that it has chosen, and in the face of its overwhelming majority, this tactic is vital to us to uphold that basic principle of this place and to speak for our constituency. Surely I have demonstrated to the members that we have a tradition, a history, which enmeshes us in this issue viscerally. Surely the members understand that in that sense a filibuster, speaking at length, each member expressing that connection, trying to drum some sense into them about this issue, is just vital. We have to do it, and we hope, in so doing, that the government will finally come to its senses.

I was reading Hamlet earlier on. I, of course, came to "Tomorrow, and tomorrow, and tomorrow, creeps in this petty pace from day to day." I thought that would have some resonance with members, but I will leave that aside at this point and move on to more of the substance.

**Mr Faubert:** Let's hear it.

**Mr R. F. Johnston:** The member would like to hear it.

Just for the member for Scarborough-Ellesmere, who does not get enough of this kind of erudition, I will be happy to read it. I will not do what members may remember the former member for Riverdale doing one day, which the member for Algoma reminded me about, when he quoted the Bard in a speech. He decided he would put it in context, so he took us through the play to the point of the speech. But since this particular soliloquy by Macbeth comes in the



fifth scene of Act V, I am sure the Speaker would rather I did not do that today.

**Miss Roberts:** It is just after—

**Mr R. F. Johnston:** Just after, it is true. I have to also recognize the member for Elgin as a major literary scholar here in terms of finding for us the Marcellus quote about something being wrong in the state of Denmark. We do thank her for her help with identifying the rottenness and allowing me to use that kind of metaphor here. It was very helpful, and I am sure the government whip is glad she was of assistance.

One of the things that struck me about that soliloquy is that, depending on how one wants to look upon it, there is, of course, the line at the end of it which often speaks a great deal to speeches in this House. Part of it speaks of a dusty death, which always makes me think not just of death itself, as the Bard meant, but also of what has happened to silicosis and asbestosis victims in Ontario.

Tomorrow, and tomorrow, and tomorrow,  
Creeps in this petty pace from day to day,  
To the last syllable of recorded time;  
And all our yesterdays have lighted fools  
The way to dusty death. Out, out, brief candle!  
Life's but a walking shadow, a poor player  
That struts and frets his hour upon the stage,  
And then is heard no more; it is a tale  
Told by an idiot, full of sound and fury,  
Signifying nothing.

I hope that is not what the members think about my speech, but that is what the Bard said. Again, it was hard to make it relevant, and therefore I was not going to read it.

**Mr Wildman:** A tale told by an idiot, signifying nothing, is the Liberal defence of this bill.

**Mr R. F. Johnston:** A useful interjection, which I am not sure the Speaker accepted because of standing order 24(b), his favourite section.

I did want to come back to one of the areas of the bill which has not been talked about a great deal, and that is the irreconcilable differences between the bill itself and the Ontario Human Rights Commission and what it does. The analysis that was made by the past chief commissioner of the human rights commission is something that I think we need to think about a little bit.

Again, as reform-minded Liberals who are not interested in discrimination, one would presume, who believe strongly in the fact that all people should be dealt with equally, they must be very proud of the sections which make it likely that an

older worker will receive less money under the new system than a younger worker. He may have exactly the same injury, but because he is 55 instead of 45, his family can expect less. They must be happy with that kind of an age discrimination, even though it flies in the face of what our Human Rights Code suggests.

They must be happy with their truncated versions of how a person can be reinstated and gain justice in that fashion when the rights in the bill are less than are provided now under the Human Rights Code. There are problems with the Human Rights Code in terms of the time in getting to hear a case. The fact that it can take several years is something which means there should be an overhaul of the administration of that place, and one presumes that will be seen soon, because it is intolerable that matters of human rights should take the time they are taking these days and that people should be told they cannot even expect a response now to a new initiative unless it is big in the press for at least a year and a half or two years—not even a response.

The legislative power, the rights of the commission to deal with that, are laid out wonderfully in the report of the Union of Injured Workers. I encourage members to look at that section strongly and to ask themselves, what are they up to? Why on earth are they putting in something which is less strong than that?

Again, what is the code that they are operating on? Do they now want to reduce what the Human Rights Code should deal with? Do they think it has too much power in those areas to demand that somebody get reinstated?

A disabled worker has the right to expect some pretty positive proactive initiatives by the human rights commission. He has the right to expect his workplace to be adjusted to meet his needs, to make it accessible, to have the company pay money—maybe even topped up by the government—to get that workplace in condition so that person can now use it.

The Liberals' compensation act does not talk in those kind of terms. Their compensation act does not guarantee that person that he is going to get back into employment at all. It is no major improvement at all.

Is there some reason why, again, the people who work in the areas of the construction industries and small businesses should not be protected? Is the next stage of our history here going to be the NDP bringing forward cases through the 1990s of companies with fewer than 20 workers who have been denied protection because of that arbitrary fact that they have



decided now? Is that going to be the next stage? Is that going to be their legacy of discrimination that they are going to bring forward?

Are they going to be happy to be known as being like the Tory government that brought forward the restriction of two years after the injury in terms of the obligations of a business? Is that what they, as Liberals, want as their legacy? Is this what this minister, who puts himself forward as a major spokesperson for change in this area—certainly not for workers, but change in this area—is that the legacy that is appropriate here? I just ask them to think about it. It is a section of this act which I find pretty bizarre.

I think it is appropriate—and the member for Sudbury East asked me if I would do this—to read into the record the very short conclusion of the Union of Injured Workers and the Toronto Injured Workers Advocates Group in terms of their submission of 23 March, because I think these final comments do sum up again what all these members, the advocates, the people who know this system better than most of us, have said is wrong with it.

“Mr Sorbara says that after 10 years, the time for review has passed and the time for reform has arrived. We could not agree more. However, we call on the committee and the government to examine the record of those 10 years.

Among other points, the record will show that compensation for wage loss:

“1. Must be accompanied by a strong rehabilitation program which situates every possible worker in suitable work;

“2. Must not depend on the false concept of overcompensated workers to finance the payments;

“3. Must not be based on deeming;

“4. Must provide adequate permanent financial compensation, secure from the whims of fortune and the WCB.

#### 0840

“The record will show that the Liberals of 1983 understood most of these points and at that time refused a bill which offered far greater benefits and security than what they now offer us in Bill 162”—one of the great ironies, I add in parentheses.

“The record will show that one of the consistent points made by injured workers over the years has been that the legislation itself is not so bad. The main problem is the WCB interpretation and application. It is astonishing to see more power handed to the WCB in Bill 162.

“The record will show that injured workers insist that when positive reforms are brought into

place, they too must be included in the product for which they have struggled.

“Mr Sorbara has said that ‘most people have no direct knowledge of the workers’ compensation system...and so their views are open to manipulation by partisan advocates.’ He said this at the Corpus conference, 28 February 1989.

“Injured workers and their representatives are not among these people. We do have direct knowledge of the system—we live with it and deal with it each and every day.

“Our critique of Bill 162 and our suggestions for change come from an intimate knowledge of the effects of injury; the needs of injured workers and the problems with the system. We do not want to face a future of demoralization and constant complaint. We do hope that the committee will embrace this process of public hearings as an opportunity to set in motion a process of real reform to the workers’ compensation system in Ontario, which will be guided by the farsighted words of the father of workers’ compensation in Ontario, Chief Justice of Ontario Sir William Ralph Meredith, who said in 1914:

“‘I do not doubt that the country whose Legislature is quick to discern and prompt to remove injustice will enjoy, and that deservedly, the blessing of industrial peace and freedom from social unrest. Half measures which mitigate but do not remove injustice are, in my judgement, to be avoided. That the existing law inflicts injustice on the working man is admitted by all. From that injustice he has long suffered and it would, in my judgement, be the gravest mistake if questions as to the scope and character of the proposed remedial legislation were to be determined not by a consideration of what is just to the working man but of what is the least he can be put off with; or if the Legislature were to be deterred from passing a law designed to do full justice owing to groundless fears that disaster to the industries of the province would follow from the enactment of it.’”

I think those words, put forward in 1914 and again by the injured workers in 1989, are most appropriate. There was one final quote I wish to use, if I might, from Hamlet, a section which I remember Hamlet saying. I was waiting for an interjection from one of the Liberals to be able to lead me into it because it sounds like it is responding to an interjection.

**Mr Faubert:** “To sleep, perchance to dream.”

**Mr R. F. Johnston:** Thank you. It says, “Leave wringing of your hands, peace sit you down and let me wring your heart, for so I shall if



it be made of penetrable stuff, if damned custom have not raised it so that it is proof and bulwark against sense."

What we have been trying to do with passion, with reasoned argument, with imploring statements is to get this government to feel with its heart the injustice that is out there, to know that it is palpable in the lives of hundreds of thousands of families in this province and to say to them that the course upon which they launched and seem so intractably determined to move forward is wrongheaded, is mean-spirited, is not the kind of thing we would do to groups with more power in our society.

We ask the members, we implore the members again, not to proceed with this legislation, to withdraw it, renew the consultation process, to come forward with a meaningful overhaul to this antiquated system and not to make things worse by moving ahead with Bill 162.

**Hon Mr Sorbara:** Unlike some 13 members of the official opposition, I propose to speak for only a very few minutes on the matter that is before us in this rather unusual debate. Even if there were a motion before this assembly on the substantive matter, I fear that having spent some 17, frankly rather enjoyable, hours listening to this debate, I am afraid that I would not have the personal stamina to do that at this point.

But I want to tell my friends in the official opposition and all the members of this House that I personally have enjoyed this debate, as I think all members who have been here through the night have. I just remind members that, of course, we are debating a motion which calls for the reporting of Bill 162 from the committee back into this House so that we can continue and, I hope, expeditiously deal with this bill through the committee of the whole House and then third reading.

I did just make a couple of notes and comments on the 13 speeches that we have listened to through the night. As I said, I found the debate one of the best I have heard. Indeed, in the two sessions that I have sat through that have lasted through the night, certainly this was far superior to the last one. The comments of the members were sometimes, and often, substantive. They were sometimes eloquent, they were sometimes methodical. Now and again through the middle of the night they were tedious and whimsical. Sometimes, inevitably I guess, they were repetitive. Sometimes, not very often perhaps, pretentious, sometimes restrained and sometimes unrestrained. Sometimes they were highly personal

comments and on a few occasions they were highly personal attacks.

I do not doubt for a minute that all of the members of the official opposition are fundamentally opposed to Bill 162. I should tell the members there is no doubt about that in my mind and there has been no doubt in my mind about that, frankly, since the day the bill was introduced. But, as I said, in a rather unusual parliamentary tactic, we have sat through the night debating this motion and as a lover of the democratic process I do not object to that at all.

In thinking about the people who were with us through this evening, the member for Scarborough West mentioned all those silent people who were here keeping this building alive and operating and secure and functioning while this debate goes on. I think it is appropriate for me to recognize them once again and to thank them for bearing with us as we carry on through the parliamentary process.

I want to thank another group, as well. Through the night we saw that there were sometimes, now and again, one or two members of the Progressive Conservative Party here; none now. Most of the members of the official opposition were here through the night; sometimes only two or three of them sitting in the House, but all of them standing close by.

But I want to point out that this place does not operate unless there is a quorum here. In order for a quorum to be here so that this debate could carry on, there were at least 26 members of the government party here, standing by and listening in this debate and ready to be called to ensure that a quorum was present so the debate could go on. I am not going to list them all but I want to thank them profoundly for being here and helping us take this bill through to the next stage.

**0850**

As a matter of my own views of the rules of this Parliament, I do not think it is entirely and always appropriate that the substance of a bill be debated upon a motion that we were considering here tonight, that is, a motion to report the bill.

I want to tell my friends in the official opposition that I tried throughout the evening to listen to every speech that was delivered. I regret that I was not able to be here every single minute and I very much regret that I was not able to be here for the speech by the Leader of the Opposition. He is always eloquent and I know his own personal history in working with workers who have suffered injuries in this province.

But I must say as well that while all of the arguments were so very well put—and I do not

want to rate the speeches, but I was particularly attentive, as I always am, to the remarks from the member for Lake Nipigon—as eloquent and forceful as those speeches were, the substantive matters concerning Bill 162 that I heard tonight did not present to me arguments that I have not heard before.

When the bill proceeds to committee of the whole House, as I hope it will when we vote on this resolution, I hope to have an opportunity to respond, in a far longer address to this House, to some if not all of the substantive matters that have been raised by my friends in the official opposition. I do not propose to do that now. As I said, I think it is only on rare occasions that a government minister or a government member should debate the substance of a bill on a motion which reports a bill back to the House.

I want to tell my friends in the official opposition that I look forward, after we have voted on this resolution, to continuing the consideration of Bill 162, its consideration by committee of the whole House, then further consideration on third reading, its passage and royal assent.

**0945**

The House divided on Mr Wildman's motion that the committee's report be received and adopted, which was agreed to on the following vote:

#### **Ayes**

Ballinger, Beer, Bradley, Brown, Callahan, Caplan, Chiarelli, Cleary, Collins, Conway, Cooke, D. R., Curling, Dietsch, Eakins, Elliot, Elston, Epp, Faubert, Fawcett, Fontaine, Fulton, Furlong, Grandmaitre, Hart, Hošek, Kanter, Kerrio, Kozyra, Kwinter, LeBourdais, Leone, MacDonald, Mahoney, Mancini, Matrondola, McClelland, McGuinty, McLeod, Miclash, Miller, Morin;

Neumann, Nicholas, Nixon, J. B., Nixon, R. F., Oddie Munro, Offer, O'Neil, H., O'Neill, Y., Peterson, Phillips, G., Ramsay, Reycraft, Riddell, Roberts, Smith, D. W., Sorbara, South, Stoner, Sweeney, Tatham, Velshi, Wilson, Wong, Wrye.

#### **Nays**

Brandt, Charlton, Cooke, D. S., Cunningham, Eves, Farnan, Grier, Hampton, Harris, Johnston, R. F., Mackenzie, Marland, Martel, Pouliot, Rae, B., Reville, Runciman, Sterling, Wildman, Wiseman.

Ayes 65; nays 20.

**0950**

**The Speaker:** It being six of the clock, 11 July 1989, pursuant to standing order 30, the question that this House do now adjourn is deemed to have been made. The honourable member for Carleton (Mr Sterling) has given notice of dissatisfaction with an answer to a question given by the Minister of Labour. According to the standing order, the member has up to five minutes to debate and the minister has up to five minutes to reply, if they wish to use that amount of time.

#### **CONTROL OF SMOKING**

**Mr Sterling:** It is a little later than I thought I was going to speak. However, since the Minister of Labour and I stayed around all last night waiting for this opportunity, I think it is important that we talk for a few brief moments about Bill 194, the act which has been brought forward by the Minister of Labour (Mr Sorbara) wherein he pretends to protect nonsmokers in the workplace.

There has been no more vocal advocate of legislation like this than myself. In December 1985, I brought forward a bill to this Legislature to control smoking in the workplace and in public places. In 1985, we had legislation in this House which does more than the legislation brought forward by the Liberal government that we are considering today in 1989.

In 1985, our Parliament could have been a leader in bringing this kind of legislation forward. We now have a situation where we are trailing other jurisdictions, and I brought to the minister's attention yesterday the problem with regard to his definitions in this act. If the minister would accept two reasonable amendments to his legislation, we would not then be required to sit here into the month of August and debate Bill 194, as it appears we are going to have to do.

Under Bill 194, we have a situation where we have legislation which alleges to control non-smokers in a work situation. But what it really does is set up what I call the "Les Nessman on WKRP" syndrome. Remember Mr Nessman used to set up lines along the floor because he was not given the privilege of having a separate office. He required people who came into his office to walk through the space where there was an opening and there was not a line across the floor.

This legislation does exactly the same thing with regard to tobacco smoke. It permits employers to draw lines on the floor and say, "Your desk, sir, is a nonsmoking desk, but my desk is a smoking desk." What more ridiculous



law can the government bring forward than a law which alleges to protect me, a nonsmoker, and allows the person who is immediately adjacent to me to smoke in the same room, not two or three feet from me.

The state of New York has recently brought in a law which requires that there be at least a physical barrier between smokers and nonsmokers. The state of New York has also brought in a law which says that a nonsmoker has the right to a nonsmoking workplace. This legislation, as evidenced in committee hearings, brings no new right for a nonsmoker in the workplace. Therefore, we have a piece of legislation which is ineffectual and which will give the appearance to the public that in fact the nonsmoker is going to be protected in the workplace when he is not.

My sentiments against this bill are not only echoed by myself; they are echoed by groups like the Canadian Cancer Society, the Heart and Stroke Foundation of Ontario, the Non-Smokers' Rights Association. All of the groups which have been fighting hard for this kind of legislation say they would rather have nothing than this because they believe, as I do, that this is a step backward, not a step forward. This is a smokers' rights bill. It is against nonsmokers and will give them no rights in the workplace.

**Hon Mr Sorbara:** It gets curiouiser and curiouiser around here. As you said just five minutes ago, Mr Speaker, it now being somewhat past six of the clock, 11 July 1989—namely, I would point out it is just about 9:55 am on 12 July 1989—we are doing a so-called late show on a matter which I tell my friend the member for Carleton (Mr Sterling) was raised on Monday in question period.

Given the all-night session that we had here, I was informed by my friend the member for Carleton that we would not be doing this now. That is a little bit unfortunate for me for two reasons. First, I do not have available to me the copy of the New York statute that the member thinks is such a dramatically good piece of legislation.

**Mr Sterling:** I gave it to you yesterday.

**Hon Mr Sorbara:** Yes, the member gave it to me yesterday and then his office said, "We are not going to do this now; we are going to do it some time later," so I did not have it here. But that is not the point.

The more important point is that my friend the member for Carleton said that he was dissatisfied with my answer. He stood up there for five minutes and did not say a word about my answer, but has repeated the very same kind of stuff that

he said in committee on Bill 94, in committee of the whole, in question period and now during five minutes in the so-called late show.

I just want to tell my friend the member for Carleton that I had an opportunity to look at the statute that he hails, and it is not the statute from New York passed by the New York assembly and sponsored by a number of assembly people and Governor Cuomo. The way he frames it, it looks like some sort of panacea until you actually start to read the legislation, and then you see that it says things like, "Some workers will have to be provided with smoke-free areas, except"—the member does not even do me the courtesy of paying a little bit of attention—if he read the legislation, it says that employers are not required to make \$1 of expenditure in order to make the bill a reality. So I want to tell my friend that he ought not to triumph and trumpet and advertise legislation just because he reads a little clip in the Toronto Sun or another daily newspaper.

He proclaims that he would prefer no bill to Bill 94. Let's just review in the two minutes we have what Bill 94 will do. First of all, it will create a basic minimum standard for private workplaces under the jurisdiction of the province, and that is some 350,000 and more workplaces in this province. It sets up a minimum standard that says there shall be no smoking in the private workplace. Then it goes on to say, however, if the employer in consultation with his workforce decides to designate an area or a number of areas where smoking may be permitted, they can designate up to 25 per cent of that enclosed workplace as an area where smoking is permitted.

I cannot fathom why the member for Carleton cannot get it through his head that this bill will make a dramatic advance in moving towards a smoke-free Ontario. I want to tell my friend the member for Carleton that this legislation in workplace after workplace, large and small, will respond to the desire of nonsmokers in our workplaces to work in places and not have the interference of environmental tobacco smoke to annoy them.

**Mr Sterling:** Why does the Canadian Cancer Society agree with me? Why does the heart and stroke association agree with me? Why do they all agree with me?

**The Speaker:** Order.

**Hon Mr Sorbara:** I remind the member of this. The bill, once it is passed—and I urge him to get off his high horse, to get off his chariot and to sit down in this House for a few minutes and let

us get the bill done—is and will be the strongest piece of legislation not only in Canada but throughout North America, including the jurisdiction to the south and east of us, that is, New York state.

**The Speaker:** There being no further matter to debate, I deem the motion to adjourn to have been carried. Therefore, this House stands adjourned until 1:30 of the clock this afternoon.

The House adjourned at 1000.



## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

Second Session, 34th Parliament

**Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC**

- 
- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
 Beer, Charles (York North L)  
 Black, Kenneth H. (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon James J.**, Minister of the Environment (St Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breaugh, Michael J. (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon Elinor**, Minister of Health (Oriole L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
 Collins, Shirley (Wentworth East L)  
**Conway, Hon Sean G.**, Minister of Mines (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L. (Durham East PC)  
**Curling, Hon Alvin**, Minister of Skills Development (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St Catharines-Brock L)  
**Eakins, Hon John F.**, Minister of Municipal Affairs (Victoria-Haliburton L)  
**Edighoffer, Hon Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon Murray J.**, Chairman of the Management Board of Cabinet and Minister of Financial Institutions (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)  
**Fontaine, Hon René**, Minister of Northern Development (Cochrane North L)  
**Fulton, Hon Ed**, Minister of Transportation (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
**Grandmaître, Hon Bernard C.**, Minister of Revenue (Ottawa East L)  
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)  
 Haggerty, Ray (Niagara South L)  
 Hampton, Howard (Rainy River NDP)  
 Harris, Michael D. (Nipissing PC)  
 Hart, Christine E. (York East L)  
 Henderson, D. James (Etobicoke-Humber L)  
**Hošek, Hon Chaviva**, Minister of Housing (Oakwood L)  
 Jackson, Cameron (Burlington South PC)  
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**Nixon, Hon Robert F.**, Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)  
**Oddie Munro, Hon Lily**, Minister of Culture and Communications (Hamilton Centre L)  
 Offer, Steven (Mississauga North L)  
**O'Neil, Hon Hugh P.**, Minister of Tourism and Recreation (Quinte L)  
 O'Neill, Yvonne (Ottawa-Rideau L)  
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**Patten, Hon Richard**, Minister of Government Services (Ottawa Centre L)  
 Pelissero, Harry E. (Lincoln L)  
**Peterson, Hon David R.**, Premier and President of the Council and Minister of Intergovernmental Affairs (London Centre L)  
 Philip, Ed (Etobicoke-Rexdale NDP)  
**Phillips, Hon Gerry**, Minister of Citizenship (Scarborough-Agincourt L)  
 Poirier, Jean, Deputy Speaker and Chairman of the Committees of the Whole House (Prescott and Russell L)  
 Pollock, Jim (Hastings-Peterborough PC)  
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# **Hansard**

## **Official Report of Debates**

### Legislative Assembly of Ontario

**Second Session, 34th Parliament**  
Wednesday 12 July 1989



Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 12 July 1989

The House met at 1330.

Prayers.

## MEMBERS' STATEMENTS

### TEMAGAMI DISTRICT RESOURCES

**Mr Wildman:** The Ministry of Natural Resources let a contract for construction of the Red Squirrel Road extension late last month. There were five bidders and the contract went to Carmen Construction of Sudbury. The total cost of the contract was \$3,464,614. This is a 15-kilometre road. That works out to \$230,974 per kilometre.

The original estimate of the Ministry of Natural Resources environmental assessment document was \$1,267,800 plus \$660,000 estimated for 11 crossings, for a total of \$1,927,800. Some rights of way had already been cleared, as members are aware. They cost \$317,000, which should be subtracted.

The highest cost I am aware of for a primary access road in a forest management agreement is \$660,000 per kilometre. At the EA hearings in Thunder Bay, it has been argued that some companies should get more than that, but even when that is taken into account, it appears that the ministry is determined to have roadbuilding and forestry in the Temagami area at any cost: two and a half times the original estimate.

How can the ministry justify the expenditure of \$231,000 per kilometre for the construction of the Red Squirrel Road extension? Is the ministry prepared to proceed with logging in the area at any cost?

### BURLINGTON TEEN TOUR BAND

**Mr Jackson:** I am pleased to advise members of the House that Canada's outstanding marching band, the Burlington Teen Tour Band, will be representing our country, our province and the city of Burlington at a series of international events this January.

The band, with its 225 members between the ages of 13 and 18, will first travel to Tokyo where it will lead the Disneyland parade. Then on to the city of Itabashi, a suburb of Tokyo, for a series of performances marking the twinning ceremony of this city with Burlington, Ontario. In addition to

several more performances for the citizens of Itabashi, the band will also perform during a traditional Japanese tea ceremony, a very high honour in and of itself as well as an outstanding event of cultural appreciation and exchange. These events will be viewed by millions of people on the opposite side of the globe.

The band will travel to Hawaii to perform at the solemn flag-raising ceremony commemorating the USS Arizona in Pearl Harbor, a privilege afforded few American bands and rarely ever to a foreign band.

The teen tour band will be featured on the half-time and post-game shows of the annual Hula Bowl where the pride of Ontario's youth will be featured for over 30 million North American TV viewers.

Canada, Ontario and the city of Burlington are justifiably proud of this international display of young Canadian talent. The members of the Burlington Teen Tour Band go forth as true ambassadors on behalf of all of us to remind peoples everywhere of Ontario's unique presence in today's world. They are indeed most deserving of our admiration and our earnest support.

### CENTENARY OF FARM

**Mr D. W. Smith:** It is with pleasure that I stand today to inform my colleagues of a celebration I attended in my riding of Lambton. On 8 July 1989, the Thompson family, which has owned and operated a farm on lot 33, concession 5 of Dawn township, celebrated 100 years of operation.

In 1889, George Henry and William Thompson began working the land in their efforts to establish a viable farming operation. With the passing of George Henry Thompson in 1925, William and George's wife, Lenora, continued operating the farm until 1933 when Andy, the son of Lenora Thompson and the late George Henry, joined the family business. Andy and his wife Ella-Marie Thompson have assumed responsibility for this family tradition since that time. Andy told me his ancestors came from northern England near the Scottish border.

Approximately 100 people joined with the family of Andy and Ella-Marie Thompson to



celebrate the occasion last Saturday. In attendance were Andy Thompson's three sisters, the Thompsons' daughter Georgene Versattle, four nephews raised by this couple, as well as numerous grandchildren and great-grandchildren.

I was pleased to deliver a plaque from the Premier and certificates from the Minister of Agriculture and Food (Mr Riddell) and myself.

I want to extend congratulations to the Thompson family for its contribution to farming life in Lambton county.

#### ENVIRONMENTAL ASSESSMENT ADVISORY COMMITTEE

**Mrs Grier:** Yesterday I asked the Minister of the Environment (Mr Bradley) about his lack of support for the Environmental Assessment Advisory Committee and his attitude to the Environmental Assessment Act in general.

In response, I got several minutes of self-congratulatory bafflebagg and not much reassurance. I would therefore like to put on the record concerns about Ontario's environmental assessment process that have been expressed, not just by me but by the Environmental Assessment Advisory Committee itself.

Six areas of concern were identified in the committee's 1987 annual report. In their 1988 report, they point out that these concerns have still not been addressed and that the ministry needs to develop policies and procedures in three specific areas.

The areas are, first, private sector designations and the fact that environmental problems do not distinguish between private and public projects; second, the timing of decisions and the continuing problems caused by the ministry's glacial pace of decision-making; third, the need for the ministry to develop policies to deal with the special problems of environmental assessment in northern Ontario.

These are crucial issues that must be resolved if the Environmental Assessment Act is to mean more than the paper it is written on. Why does the minister continue to avoid dealing with them? His lack of action is undermining the very legislation he is supposed to uphold.

#### TRUANCY

**Mrs Cunningham:** It has been almost five years since the Juvenile Delinquents Act was replaced by the Young Offenders Act, leaving Ontario without a meaningful truancy law. As a result, truancy levels have increased substantially and today an average of 20,000 students are

declared truant every year. Studies have shown that students are very likely to be suffering from emotional difficulties and that if they continue to skip school, stand a higher risk of getting into more serious trouble with the law.

Without an amended Young Offenders Act or the Ministry of Education making a decision about compulsory attendance, this problem is expected to escalate. When it comes to dealing with truants there is absolute confusion. Some jurisdictions will not hear truancy cases at all. They say the legislation is not valid any more. Some boards feel the law is now so difficult to deal with that the outcome of every court case depends entirely on the attitude and mood of the judge.

A major research project on habitual attendance, commissioned by the Ministry of Education, has been completed for over a year but has yet to be acted upon by the ministry. Principals, teachers, parents and students are frustrated. The Minister of Education (Mr Ward) has promised some action. We have seen none to date. What is important? Our children ought to be number one.

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#### HALTON REGION TRANSPORTATION

**Mr Elliot:** Last Tuesday, 4 July, the Minister of Transportation (Mr Fulton) visited Halton region to announce the five-year projection of road and transit construction for the Halton region.

The announcement for an additional \$165 million over and above plans already under way will greatly assist the Halton region and its municipalities meet the challenges of the ever-expanding traffic and passenger flow.

Two additional interchanges along the Queen Elizabeth Way, expanded GO train service along the Lakeshore, into Milton and into Georgetown, a connecting link in Milton on Highway 25 and the beginning of six-laning Highway 401 from Milton to Cambridge are parts of this important package of announcements.

For the past two years, the region of Halton and the councils of Burlington, Oakville, Milton and Halton Hills have been conducting meetings with officials from the Ministry of Transportation to identify needs in our area. According to our regional chairman, "This is the most significant road announcement in our region" since he entered politics some year ago.

The ministry personnel and the Minister of Transportation are to be commended for their long-range planning that so accurately reflects the perceived needs in the Halton region.



**The Speaker:** The member for Cambridge for about one minute.

### TRAVEL PUBLICATION

**Mr Farnan:** I want to draw the attention of the House, particularly the Minister of Tourism and Recreation (Mr O'Neil), to a matter brought up by a resident of Cambridge, W. R. Rickard. He notes that in the Leisure Ontario magazine, which is distributed free to all Canadian Automobile Association members, there is an advertisement that states, "Celebrating Canada's Capital, Ottawa-Hull."

Mr Rickard questions: "Who has the authority to change our capital, Ottawa, Ontario? A blatant misrepresentation." He suggests this planner be withdrawn from all outlets over which the government has control. Basically, the ad suggests it is a co-operative program of the private sector tourism industry and governments in Canada's capital. He sincerely hopes that the government of Ontario is not involved and that it will make its concerns known to the federal government.

### MEMBER FOR MISSISSAUGA WEST

**Mr Mahoney:** I rise on a point of personal privilege, Mr Speaker.

**The Speaker:** Do I understand this to be a point of privilege?

**Mr Mahoney:** That is correct, with regard to allegations that were made regarding myself and my family yesterday in the Legislature by the member for York South (Mr B. Rae), the honourable Leader of the Opposition.

In my short time in this House, I have come to respect the traditions of the House and regard the members of this Legislature as being honourable men and women. I understand that there must be scope for legitimate debate and vigorous but responsible opposition. I realize and respect the fact that differences of opinion on issues or procedures are bound to occur.

It would appear, however, that the honourable member for York South has stepped outside the bounds of legitimate opposition by making insinuations, allegations and inferences that are totally at odds with the facts. These statements mislead the media, the public and the members of this Legislature into thinking that I have received some benefit with respect—

**The Speaker:** Order. With respect, under standing order 19(d)10, I believe, the member cannot charge another member with uttering a deliberate falsehood. Would you withdraw that?

**Mr Mahoney:** I will withdraw the deliberate falsehood charge.

What is particularly irresponsible and unacceptable, however, about the allegations is that the facts are a matter of public record and are readily available and any good faith investigation would have revealed these allegations to be false.

The honourable Leader of the Opposition has made these allegations both in this Legislature, in a question to the Premier (Mr Peterson), and in a written press release issued on New Democratic Party letterhead, dated 11 July 1989, under the name of Bob Rae, Leader of the Opposition.

The member's press release states that the purchase of my home was financed by two mortgages given to my wife by Elyrin Holdings Ltd in the amounts of \$80,000 and \$35,000 in September 1984.

This statement is false.

In point of fact, the first mortgage was with the Toronto-Dominion Bank, not Elyrin Holdings. The second mortgage of \$35,000 was the standard vendor take-back mortgage generally available, and at least 25 other purchasers in the same subdivision received similar mortgages from the builder.

The member's press release also states that the first mortgage of \$80,000 was discharged in November 1984, only two months after the home was purchased.

This statement is also false.

In point of fact, the first mortgage was not discharged in November 1984. The mortgage ran the full term of three years and was discharged from a refinancing with the Toronto-Dominion Bank in 1987, three years later.

No mortgage of any kind was discharged in November 1984. Indeed, this fact is confirmed by the supporting documents which the member has issued.

It seems the member has confused the discharge of a mortgage with the discharge of a standard vendor's lien when the builder was paid by the bank in November 1984.

The member's press release also states that the second mortgage was discharged on 15 February 1988, the day before I wrote to the Premier's office requesting a meeting regarding the Envacc group.

This statement is misleading.

There is no particular significance to the date the discharge of the second mortgage was formally registered. The second mortgage was actually discharged in January 1988 from a new mortgage for \$220,000 with the Royal Bank. The registration was not formally received until



February 1988, and in the result, I had a larger mortgage on the property following the discharge than previously.

**The Speaker:** Order. I have listened very carefully and I wonder if, before the member would continue, he would advise me what the breach of privilege is.

**Mr Mahoney:** I am coming to it very quickly, Mr Speaker.

The allegations that the honourable Leader of the Opposition has made are not only false and scurrilous; they have damaged my reputation and that of my family; they have potentially damaged my career in this Legislature and they have falsely impugned my integrity.

Further, in question period yesterday, without even doing me the courtesy of informing me of an impending question so that I might be here to respond to the allegations and correct the record, the member for York South asked the Premier a question with regard to the discharge of the second mortgage. I quote from Instant Hansard:

"Mr B. Rae: My final question to the Premier is this: I wonder how the Premier feels about the fact that it was only the day before the member for Mississauga West wrote a letter to Hershell Ezrin, dated 16 February 1988, that he discharged the second mortgage on his home, which in fact he owed to a company owned by Mr Muzzo. He discharges the mortgage on 15 February 1988 and he writes the Premier on 16 February 1988 asking for a meeting with regard to Envacc Resources."

**The Speaker:** Order. With respect, I would like to ask the member once again what the breach of privilege is.

**Mr Mahoney:** I am very close to the end. The point of personal privilege will be clear and I will be asking you for a ruling on it, Mr Speaker.

While the member for York South knows that he lives with the privilege and protection of this Legislature, he should also know that he does not enjoy that protection outside this House.

In the press release dated 11 July 1989, the member has reiterated the statement that he asked the Premier with regard to the discharge of my second mortgage. This is a clear attempt at personal character assassination. This is a clear attempt to impugn my integrity and reputation. Not only does the member have his facts wrong; he has, in my view, embarrassed the Legislature by stooping so low that he does damage to all of us in this House.

I have been in this Legislature since September 1987, but I never thought that I would see the day when an honourable member opposite spoke

about another member in such a false, misleading and irresponsible fashion.

We all appreciate that the role of the Leader of the Opposition is to responsibly criticize and challenge government activity, but the member goes too far and does a great disservice to himself, to his constituents and to all members of this Legislature when in his zeal to score political points he loses touch with the facts, fairness and common decency.

**1350**

Finally, I have met with my lawyers and I have instructed them to issue a libel and slander action against the member for York South for the statements he has made outside this Legislature in his press release and in press interviews.

I deeply regret being placed in a position where I have no alternative but to commence legal action against another member of this House. The damage to my reputation is such that my ability to carry out the responsibilities I have as a member of this House has been seriously impaired, and this represents a breach of my privileges as a member of this assembly.

I would ask, Mr Speaker, that you rule that there is a prima facie case that my privileges have been breached. In the event that you so rule, I intend to ask that this matter be referred to the appropriate standing committee of this Legislature.

**The Speaker:** I have listened very carefully to the honourable member. Are there any other members wishing to make any comments?

**Mr B. Rae:** I do have some things to say with respect to what the honourable member has said, and I will say them as carefully and as clearly as I possibly can.

First, with respect to the text of the press release, I stated that the discharge of the other mortgage was registered 15 February 1988. That is correct; it is a fact. I referred to the fact that it was officially registered on that day, and as far as I can tell from the comments made by the member for Mississauga West, that fact is not in dispute.

On the question of the \$80,000 interest held by Elyrin Holdings, the member has asserted that I am incorrect with respect to its being a mortgage as opposed to a vendor's lien. I am prepared to accept the member's assertion that there was no first mortgage held by Elyrin Holdings, but I am not prepared to accept the premise that there was no interest held by Elyrin Holdings. I would refer to—

Interjections.



**Mr B. Rae:** If I may, I allowed the member to speak, and I would hope I get a chance to respond.

I simply refer the member to the documents, which show that with respect to this particular interest, it was discharged on 1 November 1984, according to the documents we have.

I want to make one other point. There is no difference between us with respect to the most basic material facts. The most basic material fact, I would assert to the member—and I would say it here as I have said it outside—is that it was inappropriate for him, having had a financial relationship with Elyrin Holdings, to be pressing the case as he has been, for several months after his election as a member, on behalf of a company, Envacc Resources, a particular company which, as he well knows, is partially owned by Mr Muzzo, who also is involved with Elyrin Holdings. That is the difference of standards between the member and myself.

No, I am sorry. I allowed the member to make his point and I wish he would allow me to make mine. Mr Speaker, I hope you will let me respond, in all fairness. I will let the member come back if he wants to come back.

**The Speaker:** Order. We are not into a debate. You are rising on what?

**Mr Mahoney:** I am rising on a point of order, but if the member opposite is prepared to allow me to respond to his statements when he is finished, I am prepared to agree to that.

**The Speaker:** Your point of order is what?

**Mr Mahoney:** My point of order is that the honourable member has implied that I had a financial relationship with the company, when in fact I simply bought a house in a normal process and I paid for the house in a normal process. He is impugning—

**The Speaker:** Order. I listened very carefully to the member for Mississauga West. I asked the Leader of the Opposition to respond, because the member for Mississauga West said he had risen on a point of privilege. Therefore, I have to allow other members to respond to give me information to make a decision. I just hope we do not get into too many points of order during this discussion. That would be helpful to the Speaker.

I ask the Leader of the Opposition to continue.

**Mr B. Rae:** The member has said that I have by innuendo and implication and inference said or implied a number of things. Let me be very clear for the member's benefit. What I have said in this House I have also said outside this House, as the member is well aware. I stand by what I

have said outside this House with respect to my judgement as to the appropriateness of his conduct.

We may differ as to that. These are tough questions; they are not easy. But I have implied nothing by innuendo. What I have said, I have said on the record and I will say it again. It is inappropriate, in my judgement, for a politician who has had a financial relationship, a debt, which is a matter of public record, to be turning around as soon as that debt is discharged and that discharge is registered, and then proceed to make the case on behalf of that company while he is a member of the Liberal Party caucus.

That is a difference between me and the member with respect to standards. I accept the fact that we have this difference of opinion with respect to standards. I would suggest to the member that—

**The Speaker:** Order. I allowed members to speak to the member's supposed point of privilege to help me decide whether it was or was not a point of privilege. Do any other members wish to make any comments?

On matters of privilege, it is common practice that the member allow the Speaker to have a copy of the comments before the point of privilege is made. I have not received that. I would appreciate very much if the member would send me a copy. I would be very glad to look at it and report back to the House.

## STATEMENTS BY THE MINISTRY

### HEALTH RESEARCH

**Hon Mrs Caplan:** I am pleased to announce today the awarding of grants totalling \$10 million to five Ontario research teams. The grants of \$2 million each over five years will bring researchers and the people involved in the delivery of health care closer together in the common goal of providing effective quality health care services to the people of Ontario.

This is a new Ministry of Health initiative which steers researchers in the health field towards relevant problems and then puts applicable findings into practice even as the research proceeds.

Quite simply, the goal of this new funding program is to promote health services research in Ontario. It is a goal that is shared by the Premier's Council on Health Strategy. In its recent report entitled *From Vision to Action*, the council called for increased provincial funding for just such research.

The program is designed to make the most effective use of our research dollars by ensuring



that the findings are applied as soon as possible to the challenges facing health care providers.

An innovative feature of this program is the requirement that the research teams of each unit be linked to a partner agency in the health care system. The partner may be a clinical or community health service agency, Ministry of Health program, or a voluntary organization representing providers or consumers of health services.

#### 1400

The five grants awarded resulted from a competition last December which attracted 19 proposals. The grants will go to:

A multidisciplinary team from the University of Toronto's department of health administration in partnership with the Sunnybrook Medical Centre. They will evaluate the increased role of nurses and other management innovations at the hospital;

A neurological developmental clinical research team which will enable McMaster University investigators to link with the Association of Treatment Centres of Ontario to study the care being given to disabled children and their families;

A hearing health-care services delivery research team which will study the treatment and diagnosis of hearing loss and the effective use of hearing aids. This unit pairs the University of Western Ontario's department of communicative disorders with the otologic function unit of Mount Sinai Hospital and Toronto General Hospital;

The community health research team and a partnership of investigators from the University of Ottawa and the Ottawa-Carleton Regional Health Unit, which will evaluate the region's public health services;

The Thames Valley family practice research team, which will examine ways for family doctors to improve health care to single parent families and the elderly. This unit is a partnership between the University of Western Ontario and the London chapter of the College of Family Physicians of Canada.

We in the Ministry of Health are enthusiastic about this new program and we are confident that this research will lead to improvements in the health care services and the enhancement of health for our many citizens.

Finally, and this is extremely important, the submission deadline for the next competition under the health system's linked research program is 1 December 1989.

## WILDLIFE MANAGEMENT

**Hon Mr Kerrio:** Today my ministry begins an innovative process of developing a comprehensive wildlife strategy for Ontario.

In recent years, we have made progress in wildlife habitat protection, wetlands conservation, rabies research, public education and in enhancing the health and numbers of our wildlife populations.

The strategy will build upon that firm foundation and will lead our provincial wildlife program into the 21st century.

To assist in developing a wildlife strategy, I have appointed a Wildlife Working Group which will report to me on wildlife management issues and strategic options. Through the Wildlife Working Group, the public will be able to be involved in discussions on wildlife management policy and planning in Ontario.

The working group represents a broad cross-section of expertise, opinion and interest in our wildlife resources throughout this province. The group will be chaired by Dr David Fowle, professor emeritus of biology and environmental studies at York University.

I anticipate that the working group will address several key issues, including the increased pressure on wildlife populations from habitat loss and the growing and, at times, conflicting demands of our wildlife resources.

In formulating its recommended strategy, the group is expected to convene a series of workshops. These will make it possible for a wide range of wildlife interests from around the province to participate.

The working group's role in developing strategic management options is unique for wildlife management in Ontario and reflects my ministry's commitment to public involvement.

I urge all members of the House and all Ontario residents to support the Wildlife Working Group in these efforts. I am pleased to recognize Dr Fowle, who is with us in the east members' gallery today. We are convening our very first meeting right after question period, and I am looking forward to getting on with this very important initiative.

## CHARITABLE GAMING

**Hon Mr Wrye:** I want to inform the House that the government has decided to take action to control the establishment of new commercial places where bingo is played. Effective 1 August 1989, a moratorium will be placed on the licensing of bingo at new commercial facilities or

halls which have not been used for this purpose in the past.

The moratorium will remain in force until such time as the legislation regulating the commercial sector is in place. In this connection, the interim measure we are taking now will be eventually superseded by gaming services legislation that I will be introducing later this year.

We are taking this immediate step in response to the unprecedented growth of commercial bingo halls in Ontario. In the last year alone the growth rate has exceeded 50 per cent. In March 1987, there were 118 bingo halls in Ontario. Currently, we estimate this has grown to approximately 240 bingo halls, more than the combined number of bingo halls in the rest of Canada.

Charitable gaming has significantly evolved from the basic church basement entertainment of the past to today's multimillion-dollar business. As an example, gross wagering for bingo was estimated at about \$80 million in 1975. This has grown to approximately \$500 million annually today.

With this explosive growth has come concern by the government over a number of emerging problems, such as increasing owner concentration, potential threats to the integrity of the charitable gaming market and pressure being placed on charities to transgress the requirements of their licences. Of particular concern are recent indications that charities are no longer receiving the 20 per cent profit which has been so long established as the appropriate level of return to the charities for these types of activities.

It is for these reasons that we are putting a moratorium in place which will allow us sufficient time to develop comprehensive safeguards governing this new commercial sector in the charitable gaming industry.

At the same time, we will be undertaking a number of operational measures to provide better administration of the charitable gaming sector. Specifically, we will be revising the existing orders in council which govern this area so that they more accurately reflect the current marketplace. We will also be rewriting the terms and conditions which apply to all licences to ensure their relevance and effectiveness for today's gaming market.

These actions which I have announced today show this government's clear commitment to an honest and equitable marketplace for all participants in charitable gaming.

## RESPONSES

### WILDLIFE MANAGEMENT

**Mr Wildman:** On behalf of my caucus, I wish Dr Fowle and the working group well, particularly in dealing with the Ministry of Natural Resources and a provincial government that is not really committed to wetlands policies implementation.

We recognize that consultation is a good thing, but I should be forgiven if I were to suspect that this is one more example of the ministry and the Liberal government failing to deal with difficult resource management issues and trying to deflect pressure from competing resource groups away to another consultative committee.

Why does the minister not finally implement proper protection for Ontario's quickly disappearing wetlands and ANSI, areas of natural and scientific interest? When is the Ministry of Natural Resources going to review the northern wetlands so we have a better picture of what the exact situation is in the north? Finally, when is the minister going to provide the needed staff and resources to properly manage the nongame wildlife species and resources of this province? For too long we have concentrated on wild game species to the detriment of other species in Ontario. We have threatened species that are not properly being managed, and I am afraid the working group may be playing catch-up to try to deal with this, particularly with a minister who does not want to act.

1410

### CHARITABLE GAMING

**Mr Farnan:** In response to the Minister of Consumer and Commercial Relations (Mr Wrye) and his announcement with regard to gambling and the control of licensing of bingos at new commercial facilities, I agree with the minister that there is an extraordinary and unprecedented growth in gambling in Ontario. The minister makes mention of some 50 per cent growth last year in this particular area, and in bingo, gross wagering of \$500 million annually.

This is not just a matter of administration and control. I would suggest to the minister and to the government that gambling is not simply wagering and having a flutter. Gambling in Ontario, for a significant number of people, is a disease. I would suggest further to the minister that there is no mention in this statement that the government has any real concern about the spread of this disease, especially as it affects the poor in our society, who spend a higher percentage of their



earnings on gambling or wagering than does the average family.

There are conflicting messages coming from this government. On the one hand, we have one arm of the government trying to promote gambling. We have situations where, in the area of lottery tickets, the government is investing huge amounts of money to get people to spend more, to gamble more and, indeed, causing untold damage to many families who are stricken by this particular disease.

We have the Minister of the Environment (Mr Bradley) and, in the recent budget, we have an announcement, for example, that there will be an additional attempt, Cleantario, which will be a fund to use in terms of keeping the environment clean. There used to be a policy in Ontario of let the user pay and let the abuser pay; in terms of those who abuse the environment, let them pay. Why should we be going to those people, many of whom, as I have suggested, suffer from a disease that does cause untold damage to family members?

I would suggest that the Minister of Consumer and Commercial Relations get together with the Minister of Tourism and Recreation (Mr O'Neil) and the Minister of the Environment and sit down with the Minister of Health (Mrs Caplan). Gambling is a disease. It is time that the government seriously looked at it.

It is time that this government took a percentage of all funds generated from gambling, from lottery tickets, from bingos, whether it is three per cent or five per cent, and directed that fund to gambling rehabilitation centres within Ontario, to alleviate the damage that is being done to innumerable families within our province.

It is time for action on this. We are not just simply a gambling province. We care about our people. We should be doing something to protect, particularly the weakest and most vulnerable.

**Mr Brandt:** I want to respond briefly to the Minister of Consumer and Commercial Relations in respect to the proposed study that he is going to be undertaking on the bingo legislation. Let me compliment the minister, which I do not do all that frequently, on the moratorium, because I believe it is well in order.

I say that because I have personally gone to the minister on a number of occasions with problems, which he has been kind enough to assist with, which I appreciate. At the same time, I recognize that it is a very complicated industry, one that is growing very rapidly, as has been

mentioned in this House, to some \$550 million annually.

The number of outlets where bingos are being allowed has doubled over the past few years and the problem is one of control, but it is also one, I want to suggest to the minister, of arriving at a fair and equitable balance between those charitable organizations which require the funding generated by bingos in order to survive and, on the other side, those operators who are in the business, who are providing facilities which are also needed.

That, in fact, is the challenge before the minister, as he is well aware, to determine how the industry can remain healthy so that it can provide those additional dollars that are so vitally needed by the groups and organizations that are now totally dependent on that source of funding to maintain their charitable work in a broad spectrum of community activities.

I would be happy to provide the minister with any advice that I might have in this matter and to work along with him and the government in the hope that we can bring forward legislation that will serve the people of this province well.

I would also like to mention that this is a very major industry which employs a great number of people, particularly in those border communities where our American friends are kind enough to participate in this kind of activity and leave part of their premium capital in our province, to be shared by the people of this province. I think that is also a very attractive undertaking that we should encourage, as long as it is kept under control with proper legislation and in balance.

#### HEALTH RESEARCH

**Mr Eves:** I just want to respond briefly to the statement made by the Minister of Health (Mrs Caplan) in the House this afternoon. I guess it does not surprise me that here we are spending another \$10 million of the taxpayers' money to research particular situations that have been researched to death, quite frankly, by the ministry. What we really need is some political will and some action. She would be far better off to spend her \$10 million and try to solve one or two of these problems.

I presume the district health council in the Ottawa-Carleton region must know what the problems are with respect to health care in the region. The minister knows full well what the hearing aid needs are in the province. What she does not have is the money from the Treasurer (Mr R. F. Nixon) to implement a policy that they campaigned on many, many months ago. She



still has not implemented that. She should spend the \$10 million, buy some hearing aids for people who need them and she will be doing something for the people of Ontario.

On the increased role of nurses, this is almost unbelievable. We are having another study. We have four studies that come to 15 conclusions which are almost all identical. The minister has implemented one out of 15 that did not cost her a dime out of her ministry pocket and now she is going to have another study and spend \$2 million more of taxpayers' money to find out what the increased role of nurses should be in the Ontario hospital system, or in this case, at Sunnybrook Medical Centre.

I find this almost unbelievable. Why does she not do something? She should make a decision, spend the \$10 million, buy \$10 million worth of hearing aids for the people of the province and she will have done something.

**Mr Jackson:** With respect to the comments of the Minister of Health, if the minister is going to talk about research dollars, it is important that she look at past research. In the area of the clinical research team at McMaster University and neonatal services for those children, the minister will be aware of a report that was submitted to her which clearly demonstrates that there is a 50 per cent reduction in the number of newborn, low-weight children in the Hamilton area. They are spared neurological damage and physical impairment so that they do not need to receive services from the Ministry of Community and Social Services when they become five-, six- and 10-year-olds.

Clearly, it has been demonstrated that we can save those children. That is where the money should now be spent and that is what we have been trying to raise in this House for the last two weeks. I know that the Minister of Community and Social Services (Mr Sweeney) has demonstrated eloquently within cabinet the concern for those premature babies, that they be given the best life chances to avoid the neurological damage and the physical impairment which comes from those dramatic, low-weight births.

Quite frankly, the minister has stood on her feet in this House and talked about prevention. This is a repair approach for those children. Please do something about prevention and fund those neonatal clinics.

## ORAL QUESTIONS

### WORKERS' COMPENSATION

**Mr B. Rae:** I have a question for the Premier. While I address the question to him, I would like

to present him with a number of letters, in fact, 70,000 letters written by the workers of this province in opposition to Bill 162 on workers' compensation.

The first question that I have for the Premier is simply this. I wonder if he can explain how it is possible that when he was asked specifically by Mr Wilson, who is the president of the Ontario Federation of Labour, for a meeting at which the federation wanted to present its case against Bill 162 to the Premier personally, no meeting could be arranged by the Premier until the end of August, which as the Premier well knows is well after the government intends to put this legislation through, and—

**Mr Speaker:** Thank you. I think the question has been well asked.

**Hon Mr Peterson:** Mr Wilson is sitting in the gallery today. I want to welcome the esteemed president of the Ontario Federation of Labour, someone for whom I have a great deal of respect and someone who shares in building a strong province. I meet with him on regular occasions, as my honourable friend knows. I have great respect for him. There are many occasions when he disagrees with me and there are, in fairness, a number of occasions when I disagree with him. That is the nature of democracy. I think he understands that. It is not like the Leader of the Opposition (Mr B. Rae), who does whatever he is told to by him, and he understands that as well.

I say to my friend that I welcome him here in the House. We have had a public debate for what, a year now? It is a wonderful debate. It is salutary. I think all the views have been expressed. Ultimately, people have to make judgements. We have made a judgement as a government and we are prepared to stand behind that. I say again to my good friend the president of the Ontario Federation of Labour, welcome to Queen's Park and keep an eye on these guys. They need it.

1420

**Mr B. Rae:** If one has to choose between developers and the Ontario Federation of Labour, I will take the Ontario Federation of Labour.

The Premier will know that in 1915, when this legislation was brought forward, workers gave up some basic civil rights in this province. The Premier will remember that the basic civil right the workers gave up was their right to sue their employers for negligence, for having put their lives at risk or for having caused them injury. In exchange for giving up that civil right, the workers achieved something else. It was a social



contract, workers' compensation, which was agreed by all the partners in the social contract in this province.

**The Speaker:** And the question?

**Mr B. Rae:** My question to the Premier is this: Can he explain why, for the first time since 1915, legislation on workers' compensation has been passed and is being passed and imposed on the labour movement and on working people in this province against their will—the first time in our history that this social contract has been broken?

**Hon Mr Peterson:** I want to say that I understand my honourable friend's point. It is quite right that the Ontario Federation of Labour disagrees with this government on a number of its decisions, as do many other groups. A government has to serve all the people of the province. Obviously, it does not go out of its way just to alienate people for the fun of it, but it has to look at all the interests now and in the future and make the best judgements it possibly can, in consultation with as many groups as possible. Government cannot be all things to all people, nor should it try.

We have debated this question of workers' compensation since I came into this House in 1975. I can tell you, Mr Speaker, I have listened to endless debates about this matter from you and other people, from us when we were in opposition and from the government of the day. We inherited what?—I will ask the Treasurer (Mr R. F. Nixon)—a \$6-billion unfunded liability from our former friends, the great managers of the province. We are persuaded that we must put a system in place that is fair to the workers and is going to be long-term, and this government is not afraid to make some of the tough decisions that have to be made.

The Leader of the Opposition can criticize me because a particular group that he is responsible to does not agree with us, and I understand that. I understand a difference of opinion in a fair democracy. We have had a thorough debate, we have had it in this House, we have had it in committee, we have had it across the province and I think it has been subjected to the finest test of democracy. I think my honourable friend is wrong to stand up in this House and advocate that we have to agree with one particular interest group just because it happens to be his friend.

**Mr B. Rae:** I cannot think of any issue which has troubled me more. In fact, the issue that got me into politics 15 years ago was workers' compensation.

I simply say to the Premier that he must surely understand that the people who are affected by

workers' compensation, the people whose pensions depend on workers' compensation, whose livelihoods depend on workers' compensation, are the working people of this province. The president of Stelco does not have to go down to the board and ask for a pension. It is the working people of that company who go down and need a pension if they get injured.

Again I want to ask the Premier: Why is he the first Premier since 1915 to impose changes in workers' compensation unacceptable to one of the critical partners in our social partnership in this province when it comes to compensation? It is the first time since 1915 that such a reactionary step has been taken by the government of Ontario.

**Hon Mr Peterson:** I understand my honourable friend's point of view, but I can tell him I do not share his analysis at all.

I can tell the member that I have perhaps spent as much time working with people on workers' compensation over my years in politics as he has and I understand some feeling about the human problems that are involved therein. I see it in my own constituency of London Centre, and I think every member of this House understands that as well.

It is our intention to strengthen the system and to assist people, not just now but in the long term as well. I think, frankly, that the characterizations of my friend opposite of this bill, and I have watched it for the last year, have been misleading—I cannot use that word—have been unfair and do not represent what we would call—

**Mr B. Rae:** On a point of order, Mr Speaker.

**Hon Mr Peterson:** I just withdrew that, Mr Speaker.

Interjections.

**The Speaker:** Order. I understand your point of order. Will the Premier withdraw?

**Hon Mr Peterson:** I already did.

I certainly do not want to say anything that you find offensive, Mr Speaker, but I have listened to this debate for over a year in this House. Everybody has participated and given their best views. It has been thoroughly heard. I can tell my friend I have heard from my friends opposite many, many predictions of gloom in this province.

I remember some of the great debates. I remember my friend opposite only yesterday saying it takes a long time to bring down a government. What he has proven is it takes one day to take down a Leader of the Opposition.



**Mr B. Rae:** It is possible to disagree with the Premier and not be called a liar. I want to remind him of that and remind everyone of that. It should be possible to do that. Every day, the Premier is at it.

#### WASTE MANAGEMENT

**Mr B. Rae:** I have a question for the Premier in relation to a meeting that was held between Gardner Church, who is the deputy minister for the greater Toronto area, and R. J. Ritchie of CP Rail. I referred last week to this particular memorandum, the minute that Mr Ritchie made of the conversation that he had with Mr Church, in questions that I put to the Deputy Premier (Mr R. F. Nixon). I would like to follow up on those questions to the Premier.

Mr Church, who is the deputy minister of the GTA and, I gather from my conversations with the various chairmen, in fact the point man with respect to garbage disposal, stated, "This consortium"—he is referring to the Envacc consortium—"was the most advanced in the recycling technology." He felt that "the meeting with the Premier on January 7, 1989, will be very positive and the capability of the consortium to develop an alternative to the present dump sites will be enhanced if properly carried out."

Does the Premier think it appropriate that his deputy for the greater Toronto area would be giving that kind of signal to one of the bidders in this process?

**Hon Mr Peterson:** From what the member has read me, I do not see anything untoward at this particular moment. Mr Church is meeting with all of the groups. I read in the newspaper that a lot of the groups that are involved in this whole thing and looking at the situation have had regular meetings with the government.

Yes, the member is right. Mr Church is leading the entire matter from the provincial government's point of view and, at some point or other, will give recommendations in consultation with the regions. I can tell my honourable friend that the rest of the people involved are not concerned. He is the only one who is getting all exercised about this.

**Mr B. Rae:** If the Premier does not find that inappropriate, perhaps he would comment on this statement by Mr Church and tell us whether this is in fact the official position of his government. Mr Church is quoted in this document as saying, "The best way to accomplish alternative solutions to present landfills is for the consortium to allow the public pressure to build. Landfills and dump sites are determined

by the public." He indicated that the public will be willing to pay more for recycling alternatives if pressure is allowed to build.

I want to ask the Premier if this kind of cynical manipulation of the public is in fact the official policy of the Liberal government.

**Hon Mr Peterson:** What does the member mean, official manipulation of the public? My honourable friend gets up there so sensitive when he is challenged and is the first one to sling things around this House. I have never seen a situation like this. He gets so pious.

I remember Bill Davis used to say from this side of the House, "If you can't take it, don't start throwing it out." Well, I will tell my friend, he cannot take it. He can give it to my colleague in the House any day, but I can tell my friend, his charges are completely and thoroughly unfair. Mr Church is talking to everybody. There are no secrets about the situation. Nobody else feels that there is some kind of unfair advantage. At the appropriate time, when decisions are made by the government and the regions, we will share them all with this House.

**Mr B. Rae:** I do not think I heard an answer to my question, but perhaps I could ask another question.

**1430**

I have had conversations with various regional chairmen, including Frank Bean, with whom my staff and I spoke today. Mr Bean has expressed real frustration with the current process. He said that the leadership from the provincial government was simply not there in terms of giving a direction as to where to go, making one important point where he said that in fact the GTA has no legal authority. Therefore, if there is a potential bidder who is unhappy with the fairness of the bidding process or expressing unhappiness with any process along the way, there is no legal authority that bidder can sue or no legal authority that bidder can in fact contract with.

Can the Premier tell us why we have had this legal vacuum for over a year with respect to the GTA and its handling of the garbage crisis?

**Hon Mr Peterson:** I have not spoken with Mr Bean this morning, but I can tell the member that when I met with Mr Bean, to the best of my knowledge he was happy to see the regions get together, discuss all these matters together and recognize it was their responsibility.

The member is quite right; the GTA does not have any, shall we say, legal authority. It is a group of civil servants created by this govern-



ment to bring the regions together to work co-operatively on certain projects, be they transit, waste disposal or a variety of others. They have not been empowered with any new powers because they do not exist, as the member says, as a legal unit. If and when contracts are signed with anybody, they will be signed with the regions, which do have the power to sign these things. It may require new and special legislation in this House. We do not know the answer to that question yet.

**Mr B. Rae:** Oh, I see; this is after the contract is signed.

**Hon Mr Peterson:** What does the member mean, "after the contract is signed"? It is very, very difficult to deal with my friend opposite, who keeps saying things that do not conform with the facts yet gets so sensitive when he is challenged.

I can tell you, Mr Speaker, I am trying to explain the situation. Either he does not understand or he does not want to understand, but if my friend would like a briefing on the entire matter of the GTA, I will ask Mr Church and all of his officials to sit down and tell him everything they are doing, who they are talking to and the regions' role, and they will bring him up to speed on this new way of organizing some of the problems the government faces. I think my honourable friend will be very impressed by their leadership.

#### PREMIER'S OFFICE

**Mr Brandt:** My question is for the Premier. Since he is in such a co-operative mood today, could he perhaps provide the House with some information as to what one Tony Ianno does with the government of Ontario, what his pay level is and his job description?

**Hon Mr Peterson:** He works with the caucus office. I cannot tell you for sure what his pay level is. He works in community liaison with a variety of the members.

**Mr Brandt:** Even Mr Ianno has difficulty answering that question. He advised a news reporter who contacted him with respect to the responsibilities that he carried out on behalf of your government that he was in fact a special assistant to the Premier, which is considerably different from being connected with the Liberal caucus in some kind of a role of a functionary.

Can the Premier perhaps help us in advising why this individual did not even have an office in this building up until a week ago, when the reporter made some contacts in connection with this issue?

I might also add, while the House leader is advising the Premier as to his specific responsibilities, I wonder if he might be able to help us by indicating why for a period of two days Mr Ianno was unable to respond to any telephone calls. He was not known in your office. The reporter was not advised that he worked for the caucus office. Finally, after two days he was able to locate this \$60,000-a-year man, who was at home, and his answering service indicated he was not available at the moment. That was the phone number the reporter was given.

**The Speaker:** Thank you. There are several questions there.

**Hon Mr Peterson:** He was out doing his job, presumably liaising with the community. I cannot account for him day by day, but I can provide whatever information the member wants. Maybe he was out working with some of the leader of the third party's staff. I have no idea.

**Hon R. F. Nixon:** You've got a crowd when you get to his staff. It's bigger than the caucus.

**Hon Mr Peterson:** Maybe he did not have room for an office because all the room has gone over to the third party to accommodate its housing needs. Who knows? We try to be accommodating in that regard.

I say to the member that, as I understand it, he is financed out of the caucus budget. The leader of the third party has a caucus budget to spend as he sees fit.

**Hon R. F. Nixon:** Boy, does he have a caucus budget.

**Hon Mr Peterson:** As I recall, it was very substantially increased to give them the research capacity that they have. Frankly, they do not even need it. All they need is a quarter to buy the Globe and Mail and they could do just as well. But I say to my friend that we do not mind funding that research or that caucus staff for his party, because that makes his party the very effective and thoughtful opposition it is today in this House.

**Mr Brandt:** The people of Ontario may not smile when they know that in four years the Premier's office has gone up 43 per cent, an increase of some \$2.4 million, in expenditures. I do not think that is a laughing matter. I think that is a considerable sum of money.

Now we have an individual who is making a very substantial sum of money and who we now find, as a result of some media contacts to an office that did not exist up until a week or two weeks ago, was unavailable. Phone calls could

not be redirected to the caucus office because he was not there and the reporter was not advised that he even worked in this building. How can the Premier justify this?

I do not want to hear about my caucus expenditures.

Interjections.

**The Speaker:** Order. I would like to hear the supplementary now.

**Mr Brandt:** If the Premier wants me to answer questions with respect to my caucus budget, I will be very happy to do so and I will be very happy to change places with him when I do that.

My question to the Premier is simply this: How can he justify paying \$60,000 for an individual who cannot be found?

**Hon Mr Peterson:** Because the member cannot find him, he should put his detective on him and then maybe he could find him. I remember a time when the member or his predecessor hired a detective on his caucus budget, a gumshoe who was following everybody around and trying to find people. Now here is a real job for his detective: He can go out and find Mr Ianno somewhere.

But he is doing what he should be doing. He is liaising and working with the people of this province so we can better serve all of the people of this province. That is what he is doing.

PATRICIA STARR

**Mr Eves:** I have a question for the Premier. Earlier this week, in responding to my colleague the member for Carleton (Mr Sterling) with regard to the public trustee's finding that the \$5,000 payment to the mother of the Minister of Culture and Communications (Ms Oddie Munro) was "an inappropriate disbursement," the Premier indicated that he would be dealing with the minister. Does the Premier intend to remove the minister from cabinet?

**Hon Mr Peterson:** If there are any changes made, he will be the first to know. We will phone him in Parry Sound.

**Mr Eves:** I will bear that in mind. I am sure the Minister of Culture and Communications will be happy to know that I will be the first to know. The Premier has apparently lost confidence in the minister. He said he would deal with her, yet he continues to allow her to sit in cabinet. Why will the Premier not stop promising some sort of future action and tell the House today whether he plans on having the Minister of Culture and Communications as part of the Peterson team, yes or no?

**Hon Mr Peterson:** The member does not really expect me to answer that question, so I will not.

**Hon Mr Grandmaitre:** Strike two.

**Mr Eves:** These guys are really humorous. Wait until the next cabinet shuffle. Some of them will be laughing all the way to the unemployment lines in Ontario.

The Premier has said he is going to deal with the Minister of Culture and Communications. We cannot have a set of standards last week, another set today and another set after the House adjourns and the Premier wants to make a cabinet shuffle when it is convenient to him. What we are talking about here are the standards of conduct that the Premier sets for his cabinet ministers. What are his standards when dealing with the Minister of Culture and Communications and what are his standards when dealing with cabinet ministers, period, in his government?

**Hon Mr Peterson:** My honourable friend is rethreshing old straw. He is talking about things we have talked about in this House for several weeks now and I have shared my views with him.

**Mr Eves:** We have no answers.

**Hon Mr Peterson:** Of course the member has had an answer. He may not like the answer and he may still be bitter about being over there, but I cannot help my honourable friend with that. I can tell him that we will be very happy to share all those things when decisions are made.

Interjections.

**The Speaker:** Order.

1440

## ABORTION

**Mr Hampton:** My question is for the Minister of Labour, who is also the minister responsible for women's issues, and it concerns the Barbara Dodd case.

The minister will be aware that in the last 10 days a great deal of controversy has been created by the decision of Mr Justice O'Driscoll, because what Mr Justice O'Driscoll's decision in effect said was that while women have the freedom under the Charter of Rights and Freedoms to choose with respect to whether they will undergo an abortion or not, if they try to exercise that freedom they can be hauled before a court and have to justify their private decision in a very public way, justify their private decision in a very public way in the press and be subjected to what can be a very intimidating process.

**The Speaker:** Your question?



**Mr Hampton:** In view of the confusion that has been created, what is he, as the minister responsible for women's issues, prepared to do to clarify the law and to clarify the rights and the freedoms of women in this province in view of this decision?

**Hon Mr Sorbara:** The member for Rainy River raises a very, very serious issue. I want to tell him, in as clear a way as I can, that I was terribly, terribly troubled by that decision and I do not think I want to expand on that very much during this question period.

What I do want to say to him is simply to remind him that the whole issue of whether an abortion will or will not be a criminal offence in any way whatsoever in this country is a matter that is obviously, as he knows, not within the jurisdiction of this Legislature or this province. The federal government is grappling with that question at this point.

As far as what I should or ought to do in light of the O'Driscoll decision is concerned, I can simply say to him what the Attorney General (Mr Scott) said publicly when questioned on the matter several days ago. I think he expressed some concern, but neither he as Attorney General nor any member of the Legislature, nor the Premier (Mr Peterson), ought to interfere with a judicial decision. There was judicial recourse. That has happened. I think the stance the Attorney General took at that time was the appropriate one and I want to tell the member I support it wholeheartedly.

**Mr Hampton:** The decision of Mr Justice O'Driscoll has nothing to do with the criminal law, nothing whatsoever to do with the criminal law, and is not in that sense federal jurisdiction. The Charter of Rights and Freedoms and the law of the land in Canada now say that a woman has the freedom to choose whether or not she wants an abortion. What has happened in Ontario is that if a woman chooses to exercise that freedom she can be subjected to all kinds of intimidation which effectively remove that freedom or make that freedom very difficult to exercise.

Will the minister responsible for women's issues undertake to meet with the federal government and clarify what the private rights of women are in this province?

**The Speaker:** Minister.

**Mr Hampton:** Will he undertake to discuss this with the federal government to clarify it?

**The Speaker:** That is the second time you have asked the question. Minister.

**Hon Mr Sorbara:** I want to tell my friend the member for Rainy River that he has no monopoly of concern on this issue.

**Mr Wildman:** He didn't say he did.

**Mr Hampton:** No one said anything about a monopoly.

**Hon Mr Sorbara:** I think I am responding more to the tone in his voice than the words in his question.

I think it should be made perfectly clear that the O'Driscoll decision has not changed the law in this province and a court determined that rather conclusively within a few days of the decision. So let him not use this Parliament or this question period to suggest otherwise.

If he is suggesting that I meet with my federal counterparts on matters relating to this and other matters of very significant concern to the women not only of this province, but right across Canada, I want to tell him that has already happened on a number of occasions and will continue to happen in the future.

#### NEONATAL CARE

**Mr Jackson:** I have a question to the Minister of Health with respect to neonatal care services in this province. Yesterday the minister stated in Hansard that the only difference between the 13 hospitals providing perinatal care is the fact that some of them are considered modified units, and that is because they are not affiliated with health science centres and do not have research and educational components.

I cite the case of Karen Nielson to the minister. She lives three miles away from the General Hospital of Port Arthur, one of the 13 hospitals the minister mentioned yesterday. Yet she was flown to Chedoke McMaster Hospitals prior to giving birth on 2 May to quintuplets.

Does the minister still say there is no difference between the General Hospital of Port Arthur and McMaster Medical Centre when the mother had to be sent to Hamilton to receive a differential and higher level of care?

**Hon Mrs Caplan:** I think it is important for the member and all members of this House to have some appreciation and understanding of the network of services for perinatal and neonatal care.

It was not so many years ago that, in fact, only women who lived very near to university teaching centres in this province had immediate access to the highest level of care when they were in a situation of high-risk pregnancy.

We decided that all women of this province should have access, no matter where they live in



the province and, therefore, we established a network of services linked by land and air ambulance.

The modified level 3 units provide the third level, the highest level, of perinatal services. They do not have the research and the educational component of the health science centre. It is a question of medical judgement as to where patients are referred in this province, but we have a network of 13 hospitals providing the highest level of perinatal care in this province.

**Mr Jackson:** The minister is putting a very brave face on a very critical issue here. She knows of the inconsistencies between the level 3 and level 4 care. This morning I spent some time at Chedoke McMaster Hospitals and met with Karen Nielson. I also met her son Mitchell and her daughter Regan, who have been on life-support systems in the neonatal intensive care unit.

I was unable to see the three other remaining quintuplets because they are back in Thunder Bay. Mrs Nielson is commuting at her own expense regularly to be with her family, which is divided. Yesterday, Chedoke McMaster was responding to the fact that for a greater period of time this month its beds will be closed and not open to access. They needed those beds.

They called Port Arthur and asked the doctors, "Will you take Mitchell and Regan?" In fact, what the doctor in Thunder Bay said was that the babies are not stable enough to be looked after in the Thunder Bay unit.

Will the minister now retract the notion that the level of care in these 13 hospitals is not similar—it is not similar by the method it is funded in and it is not similar by the level of risk that it can deal with? Please assure Mrs Nielson, who requested that I ask you that question.

**The Speaker:** Thank you. The question has been asked.

**Hon Mrs Caplan:** What is apparent to me, and to anyone who really understands the system, is that the member opposite simply does not know what he is talking about or else—and I would hasten to say that I do not believe he is in any way attempting to mislead—he is simply either uninformed or does not really understand.

He referred to the fourth level of care. I have been very specific in saying that the 13 hospitals all provide level 3 perinatal care. There is yet a fourth level, referred to now as quaternary care, particularly in some multiple-birth situations based on medical judgement, in some of the health science centres. That is a different level of care.

The member should know that the 13 hospitals all provide level 3 perinatal care. He is, in fact, not only not giving the facts, he truly does not understand the system, even though I have tried to give him that information. He is not interested in the facts. He is not interested in the truth.

He does a disservice to the physicians who use their best medical judgement and to the nurses who work with those families, to suggest that they should not have confidence in a system which is considered one of the finest in North America.

1450

**Mr Jackson:** There wasn't one respirator at St Joseph's.

**Hon Mrs Caplan:** You do not know what you are talking about.

**The Speaker:** Order. Perhaps the Minister of Health—

**Mr Jackson:** I spent time in the clinic. Have you ever visited the clinic?

**Hon Mrs Caplan:** You haven't got the faintest desire to make sure the truth gets out. You should be ashamed of yourself.

**The Speaker:** Would the Minister of Health—

**Hon Mrs Caplan:** You deliberately don't want people to have the facts.

**Mr Jackson:** The facts are on your desk.

**The Speaker:** Order. I think it is time—has the Minister of Health calmed down? Have you calmed down?

**Hon Mrs Caplan:** Thank you, Mr Speaker. I am very angry when people do not want to get the facts out.

**The Speaker:** Could she sit down? Sit down.

## FUNERAL SERVICES

**Mr Cleary:** My question is to the Minister of Consumer and Commercial Relations. It is with respect to proposed bereavement legislation. A number of local monument builders have stated their displeasure with the Cemeteries Act, 1989. I believe the act will be of importance to the consumers in terms of protecting the public from telephone and door-to-door solicitation of cemetery lots, services and supplies. However, I am worried about cemetery owners unreasonably prohibiting and discouraging a consumer from obtaining a monument from an outside source, including monument builders. Can the minister comment on what his ministry is doing to protect this from happening?

**Hon Mr Wrye:** This is an issue that the monument dealers have raised with all members



of the Legislature over a long period of time. Very specifically, we have written provisions into the bill that will prohibit discriminatory practices involving cemeteries and monument dealers.

I can tell the honourable member that a number of sections make it quite specific that cemeteries must develop and must have bylaws pertaining to the running of those cemeteries and that those bylaws must receive the approval of the registrar of the Cemeteries Act. Within that, we have gone even further. We have specifically given the registrar not only authority, but have required the registrar to refuse any bylaw that allows the cemetery to take any unfair, unreasonable advantage of any monument dealer. So it is a matter we have been greatly concerned with and we believe that in bringing forward the legislation we have addressed it appropriately.

**Mr Cleary:** My supplementary relates to my previous question. Can the minister tell me if his ministry is concerned that cemetery owners will use attractive package deals to compete unfairly with monument dealers?

**Hon Mr Wrye:** There is a concern that cemetery owners could put together packages, and there certainly are provisions in both the Cemeteries Act and its companion piece, the Funeral Establishments Act, which prohibit any unfair charges, such as handling charges, from being put in place to give cemetery owners or funeral establishments unfair advantages.

But beyond prohibiting those kinds of charges, obviously, in terms of protecting consumers, the legislation allows those funeral establishments, cemeteries and monument dealers to put together the most competitive packages possible, which is entirely right and proper in terms of affording the greatest consumer choice and indeed the greatest price competition in the market.

#### NIAGARA ESCARPMENT COMMISSION

**Mrs Grier:** My question is for the Premier. The Coalition on the Niagara Escarpment has been monitoring the meetings of the Niagara Escarpment Commission and has today released a voting record of the members of the commission which shows that eight of the 15 citizens on that commission consistently vote in opposition to preservation of the Niagara Escarpment.

These are all members appointed by the Premier's government, without any public scrutiny or examination of their support for the escarpment or their positions on this issue. Will the Premier agree to release the names of the people who recommended his appointees for

appointment to the commission and the curricula vitae of these people?

**Hon Mr Peterson:** I have no problem at all releasing the curricula vitae. I would not want to embarrass people with respect to some of these other things. But let me respond to this. As I understand it, it is the CONE group that has put that press release out today and I was told about that. I understand their point of view, and they have some very strong views. As the member will be aware, they have many representatives, many like-minded people, who are on the Niagara Escarpment Commission.

What we strive to do as a government is to build as balanced and fairminded a system as we possibly can in a situation like that. They are not all of one, shall we say, ideological, philosophical bent. We are trying to be as representative as we can.

Let me say something else. They are government appointments and the minister could help the member out more specifically than I can, but to the best of my knowledge, we canvass extremely widely from the north end to the south end. We talk to the New Democratic members, if they are involved. I remember that the former member for Welland-Thorold, who was very highly respected in this House, was regularly talked to about the kinds of people who should be on it to get the kind of balance and to get names coming forward.

I am happy to give the member their CVs and she can draw her own judgement, as she can on any other board, about the quality of their decisions. Most people think the chairman is a fairminded individual who looks at the situations as best he can.

**Mrs Grier:** The chairman doesn't vote.

**Hon Mr Peterson:** Well, the person who brings this group together. I just say that to my friend and I am happy to provide some of this information.

**Mrs Grier:** The purpose of the Niagara Escarpment Commission is to protect and preserve the escarpment. I am not quite sure what range of balance the Premier feels is necessary on that kind of body.

There has been a vacancy on the commission for four months now. Both CONE and the Federation of Ontario Naturalists have recommended two names to the Premier's office, John Cooper of Welland and Susan Gibson of Meaford. Will the Premier undertake to examine the CVs of those individuals to acknowledge that they support preservation of the escarpment and to appoint one of them to this vacancy in order to



redress the balance of these people he has appointed, for whatever reason, in the past?

**Hon Mr Peterson:** I have just been told by the minister that nine, I believe, of those appointments the member is referring to are municipal appointments.

Interjection.

**Hon Mr Peterson:** Was it seven? Let's be fairminded about this. The member would give the impression that we appointed them all. They are municipal appointments and they come through order in council, so they are not our appointments. We try to be as fairminded as we possibly can. As I said, there were people like Lyn MacMillan who have brought real intellectual leadership to the group.

Let me say that there are lots of people who are widely consulted. We would love to have the views of the group the member is referring to and the member's views as well. I am sure my honourable friend would say that on this board or any other board, we are not looking for ideologues, shall we say. We are looking for thoughtful people who care about our province, who want to build it now and in the future and who can make practical decisions, because they have an enormous amount of power over ordinary people's lives. That is surely what we want.

The member has some strong views. I am delighted to hear them. I will take them very seriously. What I will do—I do not know the names she has mentioned, those people—is that we will consult very widely with all the people involved. If the member has any other views, as many of her colleagues do on appointments from time to time, please share them with us and we will give them every serious consideration.

If the member looks at that board—I cannot recall off the top of my head any particular names there except Ms MacMillan and the chairman—I think she will find that there is not a political component in that by any stretch of the imagination. People are not there because they are Liberals, New Democrats or Conservatives, but hopefully because they can make a contribution to their province. If the member has any evidence to the contrary of that, we would be delighted to hear it. I welcome the member's views on this appointment or any other one she has along the way.

**Mrs Grier:** I look forward to receiving the CVs.

**Hon Mr Elston:** Oh, you have a mandate to review, do you? You'll take it upon yourself?

**Mrs Grier:** In the absence of anybody else taking it upon themselves.

## SEWAGE TREATMENT

**Mr Runciman:** My question is for the Minister of the Environment. He is having difficulty hearing me because of his seatmate's interjections.

This is an issue of significant concern to the residents of eastern Ontario. A 1988 report by the Ministry of the Environment concluded that some sewage plants in eastern Ontario were the most ineffective in the province and ordered the municipalities to bring those plants up to standard, as I am sure the minister will recall.

Many municipalities, in response to that, have initiated plans for development and were expecting ministry funding to assist with those projects. However, it now appears that the ministry has changed its priorities. Upon applying for ministry funding, municipalities such as Smiths Falls, Brockville and Kemptonville have been turned down. Can the minister explain why the priorities of his ministry have changed and how he expects these areas to develop and improve their projects without any ministry funding?

1500

**Hon Mr Bradley:** The member may be aware that in this particular year the Ministry of the Environment is spending close to \$200 million of transfer payments on such things as waterworks and sewage works in Ontario. I think the member's colleagues would know that there is a fair system that is used. There may be an argument over how much money. I guess there has always got to be more money, even though many of his colleagues from time to time tell us we should not spend as much money. There is always the argument over how much.

What we have is a committee of the Ministry of the Environment called the PPEC, the project priority evaluation committee. They assess each of these. I remember the member for Lake Nipigon (Mr Pouliot) was standing in the House asking a question and other members have raised similar questions. The committee tries to look at the priorities based on what are the greatest environmental problems that might exist. Then they allocate funding for a specific year.

One of the things we run into is that some of the projects are extremely expensive. An example in eastern Ontario, for instance, is the sewage treatment plant for Ottawa. I think it probably takes in more than Ottawa as well. The upgrading of that from primary to secondary is a \$400-million project, for instance.



What we have done is enhance the funding for municipalities by providing the larger municipalities, for instance, with up to 33 per cent instead of the old 15—

**The Speaker:** Thank you. Perhaps the minister would want to save some of that information to respond to the supplementary.

**Mr Runciman:** I think our concerns centre more on allocation than the total dollars. It appears, anyway to many communities in eastern Ontario, that the minister simply does not care about smaller municipalities. The ministry spokesman, a fellow by the name of Charles Letman, said, "The municipalities will have to delay development or find some other way of paying." Meanwhile, half of the ministry funding is being gobbled up by megaprojects in larger urban areas of the province.

Can the minister explain why he is shutting out eastern Ontario? I do not include Ottawa. I think he has to take a look at the other, smaller urban areas in eastern Ontario. Why is he shutting out those smaller municipalities in favour of larger urban areas?

**Hon Mr Bradley:** Sometimes we have these materials and this is where I wish I had in front of me a list of the letters I have just signed, gee, in the last two or three weeks to various people—

**Mr Wiseman:** Was St Catharines on the list?

**Hon Mr Bradley:** No, as a matter of fact, my own area is quite unhappy with the allocation that has come to the Niagara Peninsula and so are many other areas because they would all like more.

If the member were to examine that, I think he would find that a heck of a lot of money goes into eastern Ontario. All I know is from the signing of the letters, and actually, interestingly enough, many of them are in opposition ridings and I do not think anybody has ever suggested that.

Through the priorities committee of the ministry, and these are engineers and other people who look at it strictly from an environmental point of view, we try as well as we can to determine where the greatest needs are and then we put the funds there. We have had members from individual communities make suggestions and I think they should. The member for Parry Sound (Mr Eves) gave me one the other day. The member for Renfrew North (Mr Conway) and the member for Lanark-Renfrew (Mr Wiseman), for instance, have suggested some to me. I think everybody has these projects and I welcome their putting them forward. On a political basis, they have to support their community and I appreciate

that, but really, we have to do it based on the greatest environmental priorities.

I will keep working on the Treasurer—

**The Speaker:** Thank you.

#### HALTON REGION TRANSPORTATION

**Mr Elliot:** I have a question for the Minister of Transportation. As I indicated in a statement made a little earlier today, his comprehensive announcement made in Halton region last Tuesday was greatly appreciated. A sound transportation system is most important if we are to maintain the strong economy in our region, which is now considered to be part of the greater Toronto area. The additional \$165 million announced will assist greatly in putting needed highways and GO train service in place more quickly.

My question is, is it the minister's intention to accelerate the level of funding for the missing link of Highway 403 in the Halton region as money becomes available?

**Hon Mr Fulton:** First of all, I appreciate the member's statement and his comments earlier here today and I particularly appreciate his role and the role of his colleagues in bringing about the events of last Tuesday in Oakville. We announced the start in 1990 of the first link between the Queen Elizabeth Way and Highway 5. I stated then and I state here again that we certainly consider that missing link a very high priority in finishing off to Trafalgar Road, I think it is, and as funds become available, the member has my assurance that it will be considered on a very high priority basis.

**Mr Elliot:** Part of the announcement referred to in my original question was a \$43-million allotment to begin six-laning Highway 401 from Milton to Cambridge. As the minister knows, Highway 401 passes through the beautiful Niagara Escarpment in my riding of Halton North. Is this the time for the town of Milton and the region of Halton to make representation to have additional exits from Highway 401 to serve what is a first-rate recreational area? It includes the Kelso Conservation Area, Rattlesnake Point, Crawford Lake, Hilton Falls, the Halton Region museum, and most important, the Ontario Agricultural Museum.

**Hon Mr Fulton:** The member would be aware that we very much consider the economic development and tourism component of any road or highway that we either build or expand in this province. Certainly we will, as we normally would do, invite public participation. As the member has indicated some very specific re-



quests or needs along the way to promote economic development and tourism, we would welcome his input, along with that of the interested parties as we proceed in the design work of the expanded Highway 401.

### FOREST MANAGEMENT

**Mr Wildman:** I have a question to the Minister of Natural Resources related to the scandalous destruction of three- and four-year-old tree seedlings by the Ministry of Natural Resources in the northwest over the past two years, which was brought to the attention of the House yesterday by my colleague the member for Rainy River (Mr Hampton). How does the minister justify the freezing of spending on replanting and the capping of its seedling replanting program for two years, which has led to the ministry's destruction of between five million and eight million healthy trees?

**Hon Mr Kerrio:** It is very surprising for a member to come from northern Ontario and know so little about the forests. The fact of the matter is that if we have to have 163 million trees to plant, we must have a four per cent or five per cent cushion. The fact of the matter is that we have deformed trees and we have trees that do not meet the requirements. They have to have that much of a cushion. It costs considerably more to plant the tree, tend it and see it through to maturity than it does to grow that seedling.

The member really is way off the mark because he really does not understand the issue. When we had some problems growing seedlings, this government saw fit to help those people who were growing seedlings in those bad years. Now, if they provide surplus seedlings, they cannot expect us to take just what they choose to grow. We planted 163 million—

**Mr Wildman:** These are your seedlings we're talking about.

**Hon Mr Kerrio:** Just be quiet, will you?

**The Speaker:** Order.

**Hon Mr Kerrio:** I listened to your question.

**The Speaker:** Order.

**Hon Mr Kerrio:** Just be quiet for a minute and I will prove you do not know what you talking about. The fact of the matter is—

Interjections.

**The Speaker:** Order. Really, I think the minister would be best just to sit quietly for a moment.

**Mr Wildman:** For the minister's benefit, it is not the private sector nurseries I am talking

about; it is the ministry's own seedlings. It was not because they were deformed. In fact, the ministry decided to keep the deformed trees and plant them rather than the healthy ones.

Why is it that during this two-year period, the area regenerated by the ministry is down while the harvest area is up, at the very time when companies such as Canadian Pacific and Abitibi-Price have stated that they need an additional 20 million trees or they are going to face wood shortages in the northwest?

**Hon Mr Kerrio:** I do not know where the member gets his numbers, but the fact of the matter is, when he talks about harvesting and planting, we have done more in the last four years than had been done in considerably more years in the past.

1510

We lost more trees to fire than we did to harvesting last year. We lost some 391,000 hectares of trees that were burned. We are doing a job in replanting also, where our total renewal activities in 1987 were 312,000 hectares of trees that were planted and tended as opposed to some 225,000 hectares in 1984. We are doing more than has ever been done before, and I am sure the member is fully aware of that but makes every attempt to make it appear as though that is not the case. I want to share with the members of this House that the forests have never been better tended than they are this very day.

### HOME CARE

**Mr Eves:** I have a question of the Minister of Health. As I am sure the minister is aware, the Red Cross homemaker program has a projected deficit this year of some \$3.8 million. The director of Red Cross homemaker services, Barbra Trahand, has indicated that the Ministry of Health, which funds approximately two thirds of this program, is not acknowledging that it has a role to play in helping the Red Cross solve its deficit problem. Why is the Ministry of Health refusing to help this program with its deficit when she constantly tells us about the need for improved community-based health care?

**Hon Mrs Caplan:** I would refer the member opposite to discuss this matter with his own colleague, who quite rightly placed a question to my colleague the Minister of Community and Social Services (Mr Sweeney) on the basis of the homemaker program, which is different from delivering the professional services of the home care program. The distinction between the two programs is that the homemaker program to which he refers is the ultimate responsibility of



the Minister of Community and Social Services, although the Ministry of Health, on a purchase of service, participates in some of the funding of that program.

**Mr Eves:** "Some of the funding" is probably an understatement. I have asked the minister a very simple question. Does her ministry have a role to play in the funding of these necessary services or not? If they do, what is she doing about this deficit? She will recall that we were talking about this in December 1988 in the Legislature, and in January of this year she did take steps—

**The Speaker:** Thank you. Actually, you asked a supplementary. Order.

**Hon Mrs Caplan:** I refer the member opposite to the very excellent question asked of my colleague the Minister of Community and Social Services, which he answered in very full detail, about how this and other structural challenges facing us are being addressed by co-operation between the Ministry of Health and the Ministry of Community and Social Services as they look at long-term care in a comprehensive manner. In the short term, while the two ministries are co-operating to look at the medium and longer term, the Minister of Community and Social Services has frequent contact and discussions with a number of the agencies that are providing those kinds of services in the community.

#### SPEED LIMITS

**Mr Miclash:** My question is to the Minister of Transportation. In a response to the question from the member for Oxford (Mr Tatham) on Monday, the minister mentioned that the speed limit on secondary highways in the north, which is presently 80 kilometres per hour, is being reviewed. Might I request that the minister expand on this?

**Hon Mr Fulton:** On Monday the member for Oxford raised the question, which I think really flowed from some time ago, when the member for Kenora (Mr Miclash) had a private member's bill here before the House. I can tell him that my staff, along with the enforcement agencies and other interested parties and groups, which will involve some of the municipal people along the way, are indeed looking at a number of opportunities in various areas of northern Ontario—northwestern Ontario as well as northeast—to see whether, from a safety point of view and an economic point of view, we can raise some of the limits in selected areas from the current 80 kilometres to a proposed 90 kilometres per hour.

**Mr Miclash:** The minister did mention the resolution I presented to the House over a year ago. I wonder if the minister would be willing to meet with some of these groups during his upcoming visit to Kenora with regard to this subject.

**Hon Mr Fulton:** We are planning a trip to Kenora very soon to deal with the matter of the Kenora bypass, but we are more than anxious to get local input from elected officials and others, chambers of commerce and so on. We would be more than happy to arrange our schedule to accommodate the wishes of the member for Kenora to meet with a variety of groups at his disposal when we are up there.

#### CHAIRMAN OF ONTARIO SECURITIES COMMISSION

**Mr Hampton:** In the absence of the Attorney General (Mr Scott), my question is for the Deputy Premier. Last week, a detailed investigation and report by the Law Society of Upper Canada recommended that complaints of professional misconduct be brought against a Toronto lawyer whom the government has recently appointed as chairman of the Ontario Securities Commission.

In view of the important work and the expanding financial regulatory work that is done by the Ontario Securities Commission and in view of the confidence the province must have in whomever is the chairman, is the Treasurer not concerned by the recommendations of the law society's disciplinary panel and the law society's special counsel in this matter that charges of professional misconduct should be brought against the person the government has appointed as the chairman of the Ontario Securities Commission?

**Hon R. F. Nixon:** I read the news reports to which the honourable member refers quite carefully. As I understand it, the law society specifically decided not to pursue that investigation. I think that decision was criticized by one of the newspapers, but the law society is completely independent and it makes those decisions with the powers given it under an act of the Legislature.

**Mr Hampton:** It is a fact that the staff who work at the disciplinary panel of the law society recommended that charges of professional misconduct be brought. The law society brought in a special counsel, one David Scott of Ottawa, who looked at the matter, prepared a special report and also recommended that a complaint of professional misconduct be brought. The chair-

man of the disciplinary committee unilaterally and by himself overruled those recommendations.

My question is again to the Deputy Premier. Is he not concerned that two bodies, in effect—the special counsel and the disciplinary panel itself—have both recommended that charges of professional misconduct be brought and the only thing that has stopped them is a unilateral decision—

**The Speaker:** Thank you.

**Hon R. F. Nixon:** The procedures of the law society are established by its own bylaws. They give powers to their executives to, I suppose, get legal opinions whenever they choose and pay for them. Then it is up to the law society to act on those opinions as it sees fit. In this instance, I simply say again that the law society is an independent and highly respected organization. They have not made any indication that they are proceeding in the that the honourable member presumably thinks they should.

**The Speaker:** That completes the allotted time for oral questions and responses.

**Mr Harris:** Let's extend it. We've got some good questions here.

**The Speaker:** There will be another day.

## PETITIONS

### BRIDGE CLEARANCE

**Mr Kormos:** I have a petition that is intended for the Lieutenant Governor and the Legislative Assembly of Ontario. It is addressed in addition to the Minister of Transportation (Mr Fulton). It reads:

"Welland's attempt to diversify its economy with a tourism industry will be seriously hampered by the lack of navigational clearance of the proposed Highway 406 bridge at Kottmeir Road, crossing the recreational canal in Welland, Ontario. Minimal clearance must be 5.5 metres.

"The potential for new businesses, job creation and a revitalized downtown have been realized by this community and we are struggling to implement new and exciting programs. A free-flowing, accessible waterway is absolutely necessary.

"We, the undersigned, urge you to consider the full consequences of your refusal to raise the bridge."

It is signed by Belva Palmer of Welland and over 2,000 other signators, most of them from the Welland-Port Colborne-Niagara region area.

**The Speaker:** Did the member say that was addressed to the Minister of Transportation?

**Mr Kormos:** It was intended for the Lieutenant Governor, but addressed to the honourable minister.

1520

## ADOPTION

**Mr Beer:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Why do adoptive parents have to carry the burden of the costs involved in any adoptions?

"Why are all the fees involved based solely on the adoptive parents' income, which we believe is totally discriminatory?

"Whereas we believe that adoptions are revolving into nothing but the 'black market,'

"Therefore, we totally disagree with the format of the Ministry of Community and Social Services regarding adoption."

This is signed by some 20 persons from the Peterborough-Ennismore area.

## FRENCH-LANGUAGE SERVICES

**Miss Martel:** I have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario, and the petitioners request that the Legislative Assembly or this government in fact refrain from further implementation of the French Language Services Act.

While I disagree with the intent of the petitioners and the petition, I have, at their request, presented this as is their right to petition this House.

**Mr Speaker:** And you have signed it as well?

**Miss Martel:** Yes, I have.

## NATUROPATHY

**Mr Epp:** I have a petition here addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario, and it says:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Whereas it is my constitutional right to have available and to choose the health care system of my preference; and

"Whereas naturopathy has had self-governing status in Ontario for more than 42 years;

"We petition the Ontario Legislature to call on the government to introduce legislation that would guarantee naturopaths the right to practise their art and science to the fullest without prejudice or harassment."



### WORKERS' COMPENSATION

**Mr Mackenzie:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

There are six pages. I have signed them and it covers 59 people from the city of Hamilton.

### TEACHERS' SUPERANNUATION

**Mr Leone:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Whereas the government of Ontario in its discussions with the Ontario Teachers' Federation on amendments to the Teachers' Superannuation Act has continually refused to permit an equal partnership between teachers and government in management of the pension fund, establishment of an acceptable contribution increase, benefit adjustments, an equitable treat-

ment of future surpluses and a binding arbitration process,

"We, the undersigned, petition the Legislative Assembly to insist that the Treasurer of Ontario enter into negotiations with the Ontario Teachers' Federation which will lead to a settlement equitable to teachers."

It is signed by 35 people and I have also signed my signature.

### WORKERS' COMPENSATION

**Mr Reycraft:** I have two petitions. Both are addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario. The first is signed by 13 constituents of the riding of Hamilton Centre and it calls on the government to scrap Bill 162.

### TEACHERS' SUPERANNUATION

**Mr Reycraft:** The second is signed by five constituents of the riding of Quinte and it calls on the Treasurer (Mr R. F. Nixon) to enter into negotiations with the Ontario Teachers' Federation relative to the Teachers' Superannuation Act.

### WORKERS' COMPENSATION

**Mr Kormos:** I have a petition addressed to the Lieutenant Governor and Legislative Assembly of Ontario. It reads:

"We care about injured workers. We protest the Minister of Labour's proposal to change the law that would take away injured workers' rights to permanent disability pensions when they are permanently disabled; that would do almost nothing about the miserable compensation of existing injured workers and their widows, and that would leave the injured workers of the future worse off. Workers who are killed or injured in their work deserve much better treatment than this."

It is signed by Marcel Dumont of Welland and 19 others, as well as by myself.

**The Speaker:** The usual custom is just to list the number.

### REPORT BY COMMITTEE

#### STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

Mr Furlong from the standing committee on regulations and private bills presented the committee's report and moved its adoption:

Your committee begs to report the following bills without amendment:

Bill Pr20, An Act to revive Bolward Investments Limited;

Bill Pr21, An Act respecting South Simcoe Railway Heritage Corporation.

Your committee begs to report the following bill as amended:

Bill Pr6, An Act respecting the Centre culturel d'Orléans/Projet de loi concernant le Centre culturel d'Orléans.

Your committee further recommends that the fees and the actual cost of printing at all stages and in the annual statutes be remitted on Bill Pr6, An Act respecting the Centre culturel d'Orléans/Projet de loi Pr6, Loi concernant le Centre culturel d'Orléans.

Motion agreed to.

### MOTION

#### STANDING COMMITTEE ON GENERAL GOVERNMENT

Mr Conway moved that the standing committee on general government be authorized to report to the House on its review of the final progress reports to the Minister of the Environment (Mr Bradley) of Inco, Falconbridge, Algoma Steel and Ontario Hydro on acid rain abatement programs.

Motion agreed to.

### ORDERS OF THE DAY

#### SARNIA-LAMBTON ACT, 1989

Mr Eakins moved second reading of Bill 35, An Act respecting the amalgamation of the City of Sarnia and the Town of Clearwater and the addition of the amalgamated City to the County of Lambton.

**Hon Mr Eakins:** Members will recall that this bill implements a local solution to a long-standing and contentious dispute. It is the result of an extensive negotiation process involving the city of Sarnia, the town of Clearwater and the county of Lambton.

Immediately after this bill received first reading on 20 June, I presented copies of it to the local representatives in Sarnia-Lambton. They have reviewed the legislation and have requested amendments to the act which will clarify certain sections. I am therefore introducing today a number of minor technical amendments to this bill. While I apologize for the number of amendments, I am sure the members will appreciate my desire to ensure that this bill continues to reflect the consensus we have achieved. Therefore, I would ask for their

co-operation and understanding when we go into committee of the whole House today.

While the government assisted the local representatives in achieving the agreement to end this long-standing dispute, it will be the local representatives who will have to use this act to make their agreement work. The minor changes they have requested will make them feel more comfortable about proceeding to the next steps. I am therefore happy to amend the legislation accordingly. Because these amendments have the support of all who were party to the original agreement, I believe they should not stand in the way of passage of this bill.

Passage in this session is important because the work will not end when this bill is passed. A local implementation committee will then have to deal with administrative, operational and staffing issues which will arise as a result of this local solution. I have asked them to submit a final report to me on or before 1 May 1990 so that all necessary changes can be in place in time for the next municipal elections in November 1991.

As I told my colleagues on 20 June when this legislation received first reading, this bill implements a historic agreement. I applaud the success of the local negotiators and I look forward to the passage of this legislation, which does nothing more than put into law the agreement they reached among themselves.

1530

**Mr D. S. Cooke:** I will be extremely brief. I appreciate the comments that the minister has made this afternoon, and I certainly appreciate the difficulty that municipalities have in dealing with this type of issue and the fact that more than a year of work has gone into negotiating a compromise, a settlement and then the request to this Legislature to approve the legislation.

I certainly do not think we can stand in the way of its being passed. Eventually there will be local accountability, and hopefully the ratepayers and the vast majority of local politicians will be satisfied with the process and with the proposed legislation.

We certainly also appreciate the fact that this afternoon, when we expressed some concerns to the minister about one of the proposed amendments dealing with the firefighters in the area, the intervention of the member for Sarnia (Mr Brandt) and the ministry was able to resolve that; so we will have no problems with proceeding this afternoon and granting the wish of the Minister of Municipal Affairs and, I assume, the member for Lambton (Mr D. W. Smith) as well.



**The Acting Speaker (Mr M. C. Ray):** The next speaker, the member for Sarnia.

[Applause]

**Mr Brandt:** It is all too infrequently that I get applause from the government benches, but I am pleased to participate in saying a few words in regard to Bill 35.

**Hon Mr Conway:** Some of us remember former Liberals with great affection.

**Mr Eves:** Former mayors.

**Mr Brandt:** Let me say without any equivocation whatever that I support Bill 35 and I appreciate the co-operation of the minister in the difficulties that he has been able to navigate in bringing the bill to this point, where a historical moment has been reached in this House in that the last boundary settlement in the Sarnia-Lambton area was back in 1951, some 38 years ago, and there have been periodic problems that have arisen.

Many complicated and difficult negotiations have taken place between the county and the city to try to arrive at some kind of amicable compromise that would satisfy the interests of all of the various municipalities in that particular area.

I think it is fair to say at this particular time that the minister should be complimented, along with his very capable staff; but in addition to that, let me say that the local committee that worked so long and hard at putting this particular document together should be applauded as well. They came to a local settlement after many years, frankly, of long and complicated discussions in connection with the bill.

The bill has not only achieved the support of the county of Lambton and the town of Clearwater as well as the city of Sarnia; the village of Point Edward supports this bill as well because it is excluded from it. They are pleased that they will continue as a progressively independent municipality of 2,500 happy individuals who will continue to be a part of the county but not part of the complex of the new urban municipality that is now being created as a result of this bill.

I do not want to go on at length, even though some of the members of this House are encouraging me so to do, but I do want to say that there is some degree of urgency in the fast passage of this bill, as the minister is well aware. There are areas of this bill which must be triggered before the end of this year, there are very substantive measures that have to be in place before 1 January 1991, and those particular changes require us to work with some degree of expediency in this House.

I would only ask any other participating members who may wish to join in this debate that we work together co-operatively to try to find a solution to a long-standing problem that looks like it is at the point of finally being solved.

**Mr D. W. Smith:** It is a pleasure for me today to stand and make comments on Bill 35, which will amalgamate the city of Sarnia into the county of Lambton and, of course, take Clearwater into the city in the first place. This is something that I have not had the opportunity to do before in the House. Certainly it is likely going to be a challenge for me, but I am looking forward to that.

I want to say that all my life I have lived in the county of Lambton. I am very proud of the county of Lambton. I think they have done a commendable job over the years in governing themselves as an umbrella group as well as each and every individual municipality within the county of Lambton, but I guess as time rolls on change has to occur or it does occur. I do not say that a lot of people are against this change, but they seem to want to know more of the answers before this change takes place.

We have already heard the minister say today that he would like a report back from this committee by 1 May 1990, I think, but in the meantime some of this bill is going to be put into place before that even happens.

In the comments I am going to make, I am going to try to question the legislation as it may pertain to what the committee felt it had drafted up. I know they spent many hours on this bill. I have talked to the warden and the county group many times. In fact, I would say the warden has likely had the busiest year of possibly any warden of the county of Lambton. I can speak with some experience there because I was the warden in 1983. I know it is a very busy job; you are expected to go to everything, and that is entirely impossible.

The people who have spoken with me want to know, or feel they should know or have the right to know, what some of the financial impact is going to be. I think they have that right. This is a major bill. This is going to be a major impact on the Sarnia-Lambton area. In fact, I will go so far as to say that this bill may be a precedent-setting bill for some of the other counties in Lambton riding. If members wanted to pick up on some of those appropriate names, they could well be Chatham-Kent, St Thomas-Elgin and Owen Sound-Grey. Who knows, it could even be Pembroke-Renfrew. We just do not know where this bill may lead to. That is why I think that if we



are going to do it in this House here today, we should do it well and make sure that things are in order to work well for the people of Sarnia-Lambton in the future.

I think, as one who grew up in the farming community, I am about as well aware of change as possibly any one of any of the professions. We have seen farming change so dramatically and so quickly in the last few years that yes, we are pretty near prepared for anything. But I think the people of Lambton in these small communities are saying:

"We feel our taxes are pretty high now. We seem to be sharing a goodly amount of the load in a lot of areas. Is this bill going to mean that our taxes are going to go higher, whether it be on the roads portion or on welfare, since the county of Lambton will take over the combined welfare services?"

These are the questions that are being asked of me. I do not have those answers. I have not seen these numbers come into place yet and so this is why I want to make a few comments. I will start and go through a few of them here. I do not want to take all afternoon or anything like that. I do not think I can stand on my feet that long, because I was up all night, but we will try to make a few comments and see if the minister is satisfied.

For instance, if we go to part I, subsection 2(3), "The city shall not apply for the annexation or amalgamation of any land before 1 January 2016, unless"—and "unless" is very important—"the county council and the council of every local municipality the lands of which are part of the proposed annexation or amalgamation agree, by resolution."

**1540**

As the member for Sarnia said, Point Edward was quite happy. I guess he was likely also referring to Moore being quite happy.

The way I would interpret that piece of legislation is that there could be a proposal rather quickly. They do not have to wait until the year 2016. In fact, if we go over to section 7, it seems to make it all the clearer that they could change portions of this legislation by 1 December 1994, which I presume would be a new council. That is a question I feel is deserving of an answer.

In section 3, they are going to put a vote to the people in the 1991 regular election. The question will be, "Do you want the new city to be named Sarnia?" I guess I am asking the question, what happens if the electors say, "No, we don't want Sarnia"? What is the alternative? As I read further into the bill, I wonder if the minister is going to be the one who makes that decision, or is

he going to make it in consultation with the new city, as I will refer to it?

Those are three areas where I wonder if the committee members who drafted the interim report are satisfied in their minds that they have achieved everything they were asking for, and in fact that they may be able to change these boundaries again much before 2016.

It goes on, in subsection 7(4), "Where the minister is inquiring into the structure, organization and methods of operation of a local municipality or the county." Does this mean that the county can change drastically as well? I believe, following on that subsection, the Ontario Municipal Board could make a decision along those lines. That is another question we wanted to ask.

There are a number of places throughout this bill that say "without compensation." I know I heard from some of the committee members that this amalgamation would not take place if there was no compensation. The compensation they were referring to, I felt, was from the province of Ontario. When I see that in there I wonder, if these costs are going to increase because of this bill, are they going to be picked up by the county as it exists today, or is the share that has been decided upon fair in everyone's mind? That is another question that sticks out at us throughout this bill now and again.

When we read section 13, it almost conflicts with section 8 in some ways. Not being a legislative counsel, I hope that is clear to everyone in that area.

Another part of this bill that will change the riding of Lambton is that the police villages of Inwood and Florence will be dissolved as of 1 January 1991. Being a member of the county government committee, when we were travelling around the 26 counties a year ago, that was one of the questions that was brought up often enough. That would make me believe it is time to dissolve the police villages. I think the people likely will accept that quite easily because most of the police villages now only have trustees and they really have no function regarding money; they are just more or less advisers to the municipality that surrounds them. I think that is likely an area that is quite acceptable to the people of Lambton.

As we move through the bill, it talks about the different voting structure. I believe it will change somewhat in the year 1990. Then once in 1991 it will change again and the county council will be smaller. I presume the committee has arrived at that decision and it is quite happy with it.



I come back again to when the minister made the comment that the joint committee would submit its recommendations to the minister on or before 1 May 1990. I am really asking what all those recommendations could be. If some of the bill has been in place already, I wonder if it is a total must that everything has to be in place by 1 December 1990. Or can it wait until after 1 May when the minister will hear more recommendations from this joint committee that will be set up?

As we move on to part IV which talks about Sarnia Hydro, the people there are asking, "Because Ontario Hydro looked after and maintained the town of Clearwater, what costs are going to be involved when the total municipality becomes part of the new city of Sarnia or whatever the name may be in the future?" I think that is likely quite a large answer, but I am sure that it can be arrived at because when it does actually go in place, the taxes will say very emphatically what the rise or increase was because of this action. Also, it possibly could affect us out in the riding of Lambton.

From what I am being told by some of the Ontario Hydro workers, if Clearwater goes with Sarnia Hydro, the Wyoming regional office of Ontario Hydro will possibly no longer exist. I am sure whether that will have some effect on the community of Wyoming and surroundings. So there is an area that I certainly want to ask a question on.

The two police forces will be joined as of 1 January 1990. I am sure there will be costs associated with that move. I am sure the people would be asking, "Well, what may that cost us in our taxes?" In talking with some of these people who are behind this amalgamation, I get the feeling that they do not want their taxes to rise, but because of this bill, I ask myself how it possibly cannot rise, unless somebody else is picking up the increase.

Section 36 says, "The committee shall establish guidelines for considering boundary applications in consultation with the Ministry of Municipal Affairs." Because of the county government report, I guess I will just ask the minister whether this means the municipalities in Lambton that do not have 4,000 in population may have to join or if there is going to be an exception to that county government report within this bill. I would leave that question there, as well.

**1550**

I move over to section 44. The county council is going to assume new duties. There will be

more roads come under the county jurisdiction, a city home will come in under county jurisdiction and the welfare will be taken over by the county.

The other big issue is waste management. It is going to be a big concern to the county of Lambton. We certainly have got discussions going on there now out in the township of Warwick. I understand that there are a number of municipalities that do not have a waste site now that will last very much longer; in fact, it may be full right at this moment.

I wonder if the county, in assuming some of those duties, is going to be, shall we say, the banker. What debt would this put on to the county? Right at this time the county has been very successful over the years. In fact, they owe very little money, but because of this bill, I wonder how much the county may be expected to assume in the near future as it pertains to roads, welfare, the home in Sarnia, which is Marshall Gowland Manor Home for the Aged, as well as waste management. I think maybe of any of the concerns, waste management might be the largest.

The other area that people had talked about when we were going over these discussions when the committee was meeting a few years ago—I guess it is over four years ago that I sat on that original boundary committee. They talk about efficiencies. Where are these efficiencies going to take place? I believe it says in this bill that jobs will be protected.

I bring these issues out because these are the questions that are coming from the people I have to deal with or my constituency office has to deal with. I believe we have to put this on the record so that these people can understand a little bit more of what may be expected of them in the near future as well as in the longer term.

I am going to ask another question here. It is in the waste disposal section, part VIII, and it is because of the discussions on the Warwick landfill site. It is subsection 50(3):

"If the county council refuses its consent under subsection (1) or the applicant and the county council fail to agree on the terms related to the consent, the applicant may appeal to the municipal board which shall hear and determine the matter and may impose such conditions as the board considers appropriate."

Because of a resolution passed by Lambton county council, I would hope that it is in full agreement with that subsection.

Under the county road system, part IX, the people want to know, or feel they should know, what roads will come under the county system.



The suburban roads commission that used to exist will no longer be there as of 31 December 1990. I feel that is likely the best way to handle it. Since the old city is coming into the county, I think likely this will work out rather well, but we would like to know how many roads and what roads are coming in under the new county government and what costs there may be.

We go over to section 59, which says, "The minister may by order prescribe the roads within the city which are county roads."

We move over to section 75. I had better read subsection 75(1):

"(1) In 1991, the council of the city shall, in the manner prescribed by the minister, levy on the whole of the assessment for real property and business assessment according to the last returned assessment roll pertaining to the merged area of the town of Clearwater rates of taxation for general purposes which shall not be increased over the 1990 rates by more than the lesser of, (a) 3.5 per cent of the rates of taxation for general purposes," and (b) the consumer price index, whichever is the lesser.

I told myself that if they felt that was realistic to protect the people of Clearwater, then that was why I brought that amendment forward: To say that if Clearwater felt it had to be protected from rate increases, I felt that the county of Lambton should have protection as well. That is why I was tabling the two amendments that would somewhat protect the county.

I think that inflation today is higher than 3.5 per cent and I am trying to figure out if this is a realistic thing to do or a good thing to do for the new city. If they are having trouble with dollars now, they are going to be lacking dollars just a few years down the road.

So those are the questions that I am asking right there and that is why I am moving the amendment when we move into the committee of the whole House: to give some protection, unless there is an answer here that I am not aware of, for the municipalities within the riding of Lambton.

Then there is subsection 76(2): "The minister may by order before 1 January 2000, on such conditions as the minister considers appropriate, make grants or loans to the county and the local municipalities to achieve the purposes of this act."

Certainly I am only the member there for the time being, but the year 2000 is 11 years away and when the minister says "may," I wonder if this is good enough. Do the people of Lambton really know how much money might come from the provincial coffers? If this could be answered,

I am sure a lot of people would appreciate that answer. That to me has a very large bearing on the impact of this transition of the city coming into the county. They have not been there in a good many years, and these are some of the questions that my constituents are asking of me.

There are other areas within this bill that I am sure we could ask questions on, but I realize this committee was set up. They were elected locally. There is a difference of opinion, certainly, among the people as to whether they had the right to do all the things they are doing, but that is democracy. I buy that, I can accept that, but the interim report mentions two acts and this bill, I believe, mentions about 27 acts.

I am just saying to the minister that I hope all the parties have been satisfied that they have covered their ratepayers in the best way they can and I hope that no one will be affected adversely in the short term or the long term. If the minister saw fit that some of these answers were not in place, I am sure that it would not take anything away from the area down there if it had to be delayed until the date of 1 May 1990, because that is mentioned in this bill.

Sometimes, as members, I suppose we get frustrated and this is another comment that is made by the people. We have had an east Lambton water line in the ground for almost two years and we cannot get the legislation through, and this is between the ministries of Environment and Municipal Affairs, to let people hook up to this line and let them pay for it. I have people coming to my office and the municipalities have people coming to their offices saying, "We have the money; we want the water. Why can't we have that?"

Here is a bill that is going through inside of six months and people say, "How come this is going so fast?" If we can answer these questions, I believe the people of Lambton will be receptive. I think that they have the right to these answers and I hope they will be forthcoming in the very near future.

**1600**

**Hon Mr Eakins:** I want to express my appreciation to those who have participated in the debate today. To the member for Windsor-Riverside (Mr D. S. Cooke), I want to say that I appreciate the very accommodating comments which he has made, indicating the full support of his party for this bill.

Also, to the member for Sarnia, the leader of his party, I want to express my appreciation. If anyone in this Legislature knows the history and the background of the very difficult time leading



up to this legislation, he does. I appreciate very much the high road that he has taken all through these long and difficult discussions.

I must say that when I assumed the portfolio of the Minister of Municipal Affairs, I wondered if a solution was in sight, but circumstances developed that were able to bring about this bill here today. I simply say to the member, who served as a mayor of that community, he knows very well the very difficult path to the solution that we have here today. I thank him for the high road that he has taken.

My colleague the member for Lambton has raised some concerns, and rightfully so. He represents a large area that is involved in this bill here today. I appreciate his comments. Many of the concerns which he has raised have been addressed by the committee. They have been raised with our ministry.

We have gone over all the various items which he has raised, and I am satisfied that the decisions reached here today through this bill are those which the local committee representing the city of Sarnia, the town of Clearwater and the county of Lambton has gone over, has addressed and has had open house for the citizens to come and express their opinions on. Indeed, I have had many letters from a number of citizens saying, "Just get on with it and do something," because they are looking forward to a resolution.

I believe the bill which we have here today, with the amendments, recognizes the local decision. It is to the credit of the elected people of the three municipalities that we have this very excellent bill here, and I am sure it is going to serve the people in Sarnia, Clearwater and Lambton very well indeed.

Motion agreed to.

Bill ordered for committee of the whole House.

**Hon Mr Conway:** I would suggest, if it is agreeable, that we move now to committee of the whole to consider this bill.

House in committee of the whole.

#### SARNIA-LAMBTON ACT, 1989

Consideration of Bill 35, An Act respecting the amalgamation of the City of Sarnia and the Town of Clearwater and the addition of the amalgamated City to the County of Lambton.

**The Deputy Chairman:** Could members please first indicate the sections which they seek to amend, wish to make comment upon or ask questions on? We will allow a moment for the staff to get in order here.

**Mr Brandt:** Could I seek some guidance from the chairman with respect to expediting the procedure that we normally follow? There is a series of amendments that all of those who are here who are following this particular bill have had an opportunity to read and digest.

Unless I am mistaken, and I stand ready to hear from any of my colleagues in connection with the comment I am about to make, I understand that there is agreement from all parties in connection with these particular amendments and that the only amendment that was of some controversy has in fact been withdrawn. Is that not correct? So I wonder if we cannot deal with these in total and get the agreement as a package. That is my question.

**The Deputy Chairman:** Could I first ask the minister to list the sections for which there are government amendments?

**Hon Mr Eakins:** I do have 10 amendments, and for those 10 amendments I would certainly be in agreement to take them in one package.

**The Deputy Chairman:** The table advises me that we do not have any copies here. Could we have a set of copies of the amendments?

I do not know how we can avoid going through them one by one. If there is agreement among the three parties, it may be quite easy to proceed with them in order rather quickly. If the minister will make the motions, I will put them to the House. Is that agreed?

**Mr Wildman:** That is acceptable to us. I would expect, though, that the minister would want to answer the questions raised by my friend the member for Lambton as we go through as quickly as possible.

**The Deputy Chairman:** Can we proceed with the amendments in order, then?

First, let me put this other question. Shall sections 1 to 5, inclusive, stand as part of this bill?

Sections 1 to 5, inclusive, agreed to.

Section 6:

**The Deputy Chairman:** Mr Eakins moves that section 6 of the bill be amended by adding thereto the following subsection:

"(3) Despite section 37 of the Municipal Act, a person is qualified to be elected or hold office under paragraph 1 of subsection (1), if in addition to being qualified under section 37 of the Municipal Act, that person at any time during the period commencing on the Tuesday following the first Monday in September in an election year and ending on the Monday in October that precedes polling day by 28 days is a resident in or

is the owner or tenant of land in or is the spouse of such an owner or tenant in the ward in which that person is seeking to be elected or to hold office."

**Hon Mr Eakins:** The town wants to ensure that the ward system in the city will require the representative elected in the ward to be an eligible elector in the ward rather than the city as a whole. This precedent was set in Thunder Bay and is implemented here.

**The Deputy Chairman:** Is it the pleasure of the committee that the motion carry?

Motion agreed to.

1610

**Mr D. W. Smith:** Just to clarify these amendments, I received an amendment on 30 June and I thought it came from the honourable member for Sarnia. I want to know whether it is part of this package you are talking about. The amendment I received was to subsection 49(5).

**Mr Brandt:** No.

**The Deputy Chairman:** Let me ask again for the minister to list the sections he seeks to amend. We had section 6. Are there any other amendments to section 6?

**Hon Mr Eakins:** The amendments are one in part I; part II, subsection 18(4), section 19 and section 20; parts III, IV, V and VI, no amendments; part VII, subsection 43(1)—

**The Deputy Chairman:** Excuse me. I am trying to write these down. Would you start again?

**Hon Mr Eakins:** I thought you took shorthand.

**The Deputy Chairman:** Tell me the sections you wish to amend.

**Hon Mr Eakins:** In part II, subsection 18(4), section 19, section 20; in part VII, subsections 43(1) and (2); part VIII, section 51; part XI, subsection 65(2); part XIII, section 81 and subsection 82(1).

**The Deputy Chairman:** I understand the member for Lambton has two amendments to section 75. Is that correct?

**Mr D. W. Smith:** That is true.

**The Deputy Chairman:** The opposition parties say they do not have copies. Can they be supplied with copies, please?

**Mr D. W. Smith:** I put them on their leaders' desks before lunch. I have other copies here if you want them.

Section 6, as amended, agreed to.

Sections 7 to 17, inclusive, agreed to.

Section 18:

**The Deputy Chairman:** Mr Eakins moves that subsection 18(4) of the bill be amended by adding at the end thereof "and for such election, each member of county council shall have one vote."

**Hon Mr Eakins:** This amendment ensures that the election of the county warden during the pre-election period of 1 January 1991 to 30 November 1991 will require one vote per member and a majority vote of county councillors, at least 19 of the 37 members, rather than based on the weighted voting structure.

Motion agreed to.

Section 18, as amended, agreed to.

Section 19:

**The Deputy Chairman:** Mr Eakins moves that section 19 of the bill be amended by adding thereto the following subsection:

"(4) Despite subsections 18(2) and 19(2), upon the recommendation of the minister, the Lieutenant Governor in Council may by order provide for the manner in which the county council votes of the mayors of municipalities being amalgamated should be distributed to the local municipalities, other than the city, that would exist after such amalgamation."

**Mr D. W. Smith:** I just want to ask a question here. If the village of Point Edward were to decide to become part of the new city, does it mean the vote of Point Edward would come out into the county or does it become part of the new city? I just want this clarified here.

**Hon Mr Eakins:** The agreement says that the city should not have more than a 40 per cent vote on county council. If any amalgamations of local municipalities occur, the member would no longer sit but the vote would be redistributed to a municipality, other than the city, in order to ensure that the city's 40 per cent vote on county council will be maintained.

For example, should the village of Arkona amalgamate with the township of Bosanquet, the mayor of Arkona would no longer sit on county council. However, the vote that had been assigned to Arkona would be reassigned to another local municipality in the county, except the city.

**Mr D. W. Smith:** I appreciate that explanation because when we say it is a percentage, it still could roll back to the city if there were two municipalities joined together. Anyway, I got the clarification.

Motion agreed to.



Section 19, as amended, agreed to.

Section 20:

**The Deputy Chairman:** Mr Eakins moves that section 20 of the bill be struck out and the following substituted therefor:

"(1) Despite subsection 19(2), for the purposes of electing the warden of county council, each member shall have one vote.

"(2) The warden of the county council shall bear the title of county warden."

Motion agreed to.

Section 20, as amended, agreed to.

Sections 21 to 42, inclusive, agreed to.

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Section 43:

**The Deputy Chairman:** Mr Eakins moves that subsection 43(1) of the bill be amended by inserting after "by" in the fourth line "and entitled to the benefit of."

Motion agreed to.

**The Deputy Chairman:** Mr Eakins moves that subsection 43(2) of the bill be amended by striking out "at their joint expense and for their joint benefit" in the third and fourth lines.

Motion agreed to.

Section 43, as amended, agreed to.

Sections 44 to 50, inclusive, agreed to.

Section 51:

**The Deputy Chairman:** Mr Eakins moves that section 51 of the bill be amended by striking out "at their joint expense and for their joint benefit" in the third and fourth lines.

Motion agreed to.

Section 51, as amended, agreed to.

Sections 52 to 64, inclusive, agreed to.

Section 65:

**The Deputy Chairman:** Mr Eakins moves that subsection 65(2) of the bill be struck out and the following substituted therefor:

"(2) Subsection 9(6) of the Public Libraries Act, 1984 does not apply in the county."

"(2a) All local municipalities shall be deemed to be participating municipalities for the purposes of subsection 26(1) of the Public Libraries Act, 1984."

**Mr D. W. Smith:** Just another point of clarification here: The minister referred to subsection 65(2). I have subsection 9(5) of the Public Libraries Act, but he has 9(6). Is that the way it is supposed to be? I just was not sure. I did not know whether that was an error or not.

**The Deputy Chairman:** The reference to the Public Libraries Act is subsection 9(6) on my copy of the amendment. Is that what was intended?

**Hon Mr Eakins:** That is right.

**The Deputy Chairman:** Subsection 9(6) is correct.

Motion agreed to.

Section 65, as amended, agreed to.

Sections 66 to 74, inclusive, agreed to.

Section 75:

**The Deputy Chairman:** Mr D. W. Smith moves that section 75 of the bill be amended by adding thereto the following subsection:

"(6) In 1991, the council of the county shall levy on the whole of the assessment for real property and business assessment according to the last returned assessment roll pertaining to the municipalities of the riding of Lambton, rates of taxation for county levy purposes which shall not be increased over the 1990 rates by more than the lesser of,

"(a) 3.5 per cent of the rates of taxation for county levy purposes in all of the area municipalities in the riding of Lambton; and

"(b) the rate of inflation for the calendar year of 1990, as determined by the consumer price index published by Statistics Canada."

**Mr D. W. Smith:** The reason I brought this amendment forward is because of clauses 75(1)(a) and (b) and because the bill refers then on to section 76, where the minister "may" give grants. I feel I owe some protection to the municipalities in the county and that is why I am forwarding that amendment to read that way.

**Hon Mr Eakins:** I can appreciate that my colleague has expressed some concerns, but unfortunately I cannot accept that amendment. The acceptance would certainly favour a parochial approach in that area. What has brought the bill together is the spirit of co-operation among all of the participants and it is the same spirit that will ensure its success. To accept this amendment would not be in the spirit of the federation that has brought this bill together.

**Mr D. S. Cooke:** I wonder if the member might be able to answer a question first, and that is that if he would like a recorded vote on this, we might want to help him out and divide so that he can get on record all his Liberal caucus members who are going to vote against this.

I also wonder on this particular amendment how he could refer in a piece of legislation like this to the riding of Lambton. What does the

riding of Lambton mean in terms of this piece of legislation? Why would it just refer to his provincial riding?

**Mr D. W. Smith:** It would appear that the municipalities in the riding of Lambton are going to bear the increased costs from this bill, I am being told back in the riding. If someone in the committee saw fit to protect the town of Clearwater going into the new city, I do not see anything wrong with me, as the member for Lambton, giving some protection to my own municipalities. I have been told that the expected increases in some municipalities on the county levy could go as high as 50 per cent.

I say that is a little high, and when you read on to subsection 76(2), where the minister may give a grant or a loan by the year 2000, a lot can happen within that time frame. As the member, I feel I owe some responsibility to the municipalities within my riding.

**Mr D. S. Cooke:** I understand the point the member is trying to make. I just want to get an understanding of what legal status the phrase "the riding of Lambton" would have in this particular piece of legislation.

**Mr D. W. Smith:** Maybe we should have used the words "the municipalities of the old Lambton county."

**Mr Wildman:** That would have made more sense.

**Mr Brandt:** I am not going to be able to support the amendment, and I say that with regret because I would like to find some area where I could find some common ground with my colleague with respect to this matter, but obviously he is aware that any preferential and/or, to use the minister's words, parochial treatment of a part of the municipality that would be impacted by this bill will quite obviously shift the burden to someone else.

I want to make it very clear to my colleague that of 50 local votes consisting of the county of Lambton and the various other municipalities that are involved and outlined in this bill, 48 of them concurred with the bill, which has been structured and devised by the member's government as a sensitive balance looking after the interests of all the people who will be impacted by the bill.

I have to take strong exception to any alteration of that very sensitive balance. With the introduction of that kind of amendment, quite frankly, the entire agreement would collapse.

**Mr D. W. Smith:** If I appear to be somewhat parochial, why does the member believe that the town of Clearwater, which will become part of the city of Sarnia, has taken a parochial attitude and said, "Our taxation rates for general purposes there cannot go up by more than three and a half per cent or the consumer price index, whichever is the lesser"? If I am taking a parochial attitude, I am sure the residents or the ratepayers of Clearwater and their representatives have taken a parochial attitude against the new city.

**Mr Wildman:** In the spirit of compromise, to try to work out this difference between the minister and his backbencher, why does the minister not treat this as a friendly amendment? We would be happy to give him unanimous consent to have this expanded so that this amendment would apply to all municipalities in Ontario.

**The Deputy Chairman:** May I now put the question? The member for Lambton.

**Mr D. W. Smith:** It would take something away from this amendment if the minister could then say in section 76 that he could make sure that our taxes will not increase drastically. From what I am hearing from the people, and they are the clerks of municipalities, if he could say that these levies are not going to go up by horrendous amounts—and to me, 50 per cent is quite an amount—then I would say that, sure, I would withdraw the amendment. But as the member for Lambton, I think I have a duty to speak on behalf of the riding of Lambton.

Clearwater is partly in my riding and partly in the riding of Sarnia. In fact, I have the larger area. The member for Sarnia has the larger population and the larger assessment. But I think we have every right to speak up on behalf of our people on this amendment.

**The Deputy Chairman:** Is it the pleasure of the committee that the motion carry?

Motion negatived.

**The Deputy Chairman:** The next amendment is by the member for Lambton as well, subsection 75(7).

Mr D. W. Smith moves that section 75 of the bill be amended by adding thereto the following subsection:

"(7) Based on the assessment values as determined in subsection (6), the 1992 rates and the next nine consecutive years shall be the lesser of,

"(a) 3.5 per cent of the rates of taxation for county levy purposes in all of the area municipalities in the riding of Lambton; and



“(b) the rate of inflation for the calendar year of 1990, as determined by the consumer price index published by Statistics Canada.”

**Mr D. W. Smith:** This is drafted in much the same way as subsection 75(6). I still believe that if one community is being parochial with the new city, as it is being amalgamated, it is my duty as the member for Lambton to see that the member municipalities have some protection so that the increases do not get out of hand and the people become alarmed, shall we say, two or three years down the road. I just want to make it known that this is what I am hearing. I feel I should make these comments and offer these amendments to this bill.

**Hon Mr Eakins:** My comments will be the same as for the previous amendment: I could not accept this amendment. I might say that the decision with regard to this bill was made after careful thought by the appointed people from the city of Sarnia, the town of Clearwater and the county of Lambton. They have all agreed unanimously on this particular bill and, therefore, I respect local autonomy and their wishes in this regard.

**Mr Brandt:** Just by way of clarification, if I might, the treatment clearly and specifically identified in this bill relative to Clearwater is as it has been represented in the bill with respect to certain limitations on tax increases as a direct result of Clearwater becoming part of the new city, which then ultimately becomes a minority part of the new county with a 40 per cent voting structure. That is not the same as is the case with the remaining part of the county which is not adjusted in terms of the geography or the boundaries.

So I think there is a very clear distinction between the way Clearwater is treated within this bill, because it is a focal point of the adjustments that are being made, as opposed to other parts of the county which are not in any way adjusted and simply remain part of the county structure as it is now, with of course the changes implied in the bill.

**Mr D. W. Smith:** I cannot totally agree with that statement made by the honourable member for Sarnia. We are definitely going to be affected. If I can give an explanation here, these are approximate percentages. The town of Clearwater has been levying into the county at approximately 32 per cent for this current year. The town of Clearwater is a third the size of the old city under the assessed values today. So when the whole city comes in, when the new city comes in, they are only going to increase the

county levy by 21 per cent. Until we know how many roads, what welfare may cost and what the Marshall Gowland Manor Home for the Aged may cost, I will ask these questions. If somebody can give me the answers as to what the increases are going to be, I certainly will be more at ease.

I raise these questions now because of the things I am hearing, not necessarily from the elected people, but from the clerks. They have raised it with me and they certainly do have a lot to do with running the municipalities. That is why I am bringing this forward. There is some comparison between the town of Clearwater and its general levy to the new city and the county of Lambton as the new city comes in as a local municipality.

I want to put those comments on the record. I do not want to appear obstructionist, but I have found in my municipal experiences that if you do not ask the questions before, it is too late after the fact.

**Mr Brandt:** Very briefly, I would like to say that the member for Lambton asks the unanswerable question, “What are taxes going to be in the future?” There are 50 elected local municipal leaders who have every bit as much responsibility as any member of this assembly in connection with the setting of the assessment rate and the taxation for future years.

For any one of us to stand here and attempt in some way to predict what those taxes are going to be in 1991 or 1992 I really think is an impossible task. No one can answer the question the member has raised because no one in this assembly is going to have the responsibility for establishing those tax rates.

I would only say to the member that those people, the 50 or more of them who are elected there to represent their particular constituents, have a responsibility to provide adequately for the people who elected them, to raise those taxes they need. They are answerable to those people in quite the same way as the member and I are here in this assembly. I think it is extremely difficult to answer a question when there is no answer available for it.

**Mr D. W. Smith:** I believe the answer is not as difficult as it appears. By 1991 they will be taxing every municipality here and they will know exactly what the figures are. Under this total bill, you have to go with county-wide assessment whether you wish or not. Under the normal procedure, you might have the option to back out at a certain point when you see what the assessments may be to any particular municipality.

I am not being parochial there, because there will be a difference between townships, towns and villages. I think by 1991 they will know exactly what that number is on their taxes and I do not think that answer is as difficult as it may appear to be here today.

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**The Deputy Chairman:** Is it the pleasure of the committee that the amendment by the member for Lambton carry?

Motion negatived.

Section 75 agreed to.

Sections 76 to 80, inclusive, agreed to.

Section 81:

**The Deputy Chairman:** Mr Eakins moves that section 81 of the bill be struck out and the following substituted therefor:

"81. Paragraph 50 of section 210 of the Municipal Act applies with necessary modifications to the county."

**Mr D. W. Smith:** I am just going to make another comment here. If after this discussion we have had here the minister still feels the questions have all been addressed, then that is fine. If he has some hesitation and he would like to get some more answers from the committee back in the Sarnia-Lambton-Clearwater group and he feels he should wait before he gives it final third reading, I think that would be appreciated by many, even the ones the member for Sarnia has mentioned have all voted for this. They themselves would like to know a few more answers. I just put that last comment there and we will carry on.

Motion agreed to.

Section 81, as amended, agreed to.

Section 82:

**The Deputy Chairman:** Mr Eakins moves that subsection 82(1) of the bill be struck out and the following substituted therefor:

"82(1) If there is a conflict between a bylaw passed by county council under subclause 209(b)(ii) or (iii) of the Municipal Act and a bylaw passed by the council of a local municipality under those subclauses, the bylaw of county council prevails to the extent of the conflict."

**Hon Mr Eakins:** The county requested this amendment to ensure that it is co-ordinating emergency planning, rather than taking it away from the local municipalities. The act gives them the power to pass emergency planning bylaws and this amendment requires that local emergency planning bylaws comply with the county bylaw.

Motion agreed to.

Section 82, as amended, agreed to.

**The Deputy Chairman:** Are there any other amendments?

**Mr D. W. Smith:** Is it appropriate to make a comment here? I do not have an amendment. I just want to say at this time that this is the first time I have ever participated in a debate such as this. I may have sounded somewhat parochial in that I was speaking up for Lambton. If that is what I sounded like, that is fully what I intended.

I want to thank the minister for what he has done to this bill and I want to thank the committee down in Sarnia. I say once again, if members feel that all the answers are there, fine, that is the way it should be. But if there is any hesitation or a thought in the back of their minds that it should be considered a little bit further down and maybe some more answers can work out, I certainly would appreciate that. I have enjoyed this debate today.

Sections 83 to 89, inclusive, agreed to.

Schedule agreed to.

Bill, as amended, ordered to be reported.

#### LAND TRANSFER TAX AMENDMENT ACT, 1989 (continued)

Consideration of Bill 23, An Act to amend the Land Transfer Tax Act.

**The Deputy Chairman:** When last we met, we had concluded section 1 and were discussing section 2.

**Mr Charlton:** I just have one last comment on section 2, because it would appear from the minister's interjections at the end of our last discussion on section 2 that he did not fully understand the intent of my questions and comments. He seemed to indicate that I was advocating a tax increase when, in fact, I was advocating precisely the opposite: a tax decrease.

I just wanted it clearly on the record that I had been asking the minister whether he had had a look at the high end of average prices for average homes in Ontario and whether the \$250,000 point at which the tax steps up to the next level of 1.5 per cent adequately reflected the minister's comments that the \$250,000 roughly represented the average sale price in Metropolitan Toronto.

My point was simply to ask the minister whether he had considered raising the \$250,000 point at which the tax increases to perhaps a rate higher, at \$300,000 or \$310,000 or whatever, so that the one per cent rate of land transfer tax would be the rate that applied to all average



bungalow-type homes in Ontario and that none of those average homes, regardless of their value, were discriminated against by a higher tax rate.

**Hon Mr Grandmaitre:** I did have a chance to talk to the member for Hamilton Mountain (Mr Charlton) the very next day and I did have a chance to speak to the Treasurer (Mr R. F. Nixon) about it. The answer is no, it was not considered.

The member also brought up a very interesting point: Why do we not consider abolishing the land transfer tax up to \$150,000 to permit first-time home buyers a relief in the land transfer tax? I appreciate his comments and I will certainly take this up with the Treasurer. Who knows? Maybe in the next budget, or an amendment could be brought into the House to reflect what the member has brought to my attention.

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**Mr Wiseman:** When the Treasurer announced in his budget that the land transfer tax was going up for the second time since this government took power, I could hardly believe it, on top of the many other things in his budget that would go into hindering young people from getting a new home, things like the tax levy on lots in order to go to pay for a cutback in the amount of payment that the government will pay through the Ministry of Education towards the capital cost of a new school.

When you add up the land transfer tax, the fact is this government will increase its coffers by some \$30 million. As I said, some estimate the lot levy tax is going to be from \$5,000 to \$7,000 on that. The minister, I am sure, is aware that each time they do this, they are killing the chances of young people of owning a home. I am sure the Treasurer would be concerned because of the eight per cent he loses on many of the things that go into these new homes. If people cannot buy the homes, they will not buy the furniture and therefore he will lose the eight per cent on that.

I am really disappointed that the Treasurer, and now the Minister of Revenue, is bringing this increase through. As I said before, it will, along with the high interest rates and the other things I mentioned, really kill home ownership for young people in this province.

**Hon Mr Grandmaitre:** I think the Treasurer and this government have thought of the first-time home buyers, because if a person or a couple buys a home under the Ontario home ownership savings plan, a full refund is available if the home is less than \$150,000. If the home is between

\$150,000 and \$200,000, then it graduates for a partial tax rebate.

The member for Lanark-Renfrew did bring up some very interesting points, talking about the increase in retail sales tax to eight per cent, lot levies being increased and also permitting the schools to introduce a school lot levy, if I can call it that. All of these new taxes were needed for a number of reasons.

I think the member will agree with me that more and more people are looking for better services and more services. There is a limit to what the provincial government can do. I realize there is also a limit to what the federal government can do. This is why we are now looking at ways to share these costs with the municipal governments right across this province.

A lot of these taxes will return to very specific programs, such as transportation and environment programs. We did not simply increase taxes for the sake of increasing taxes. These dollars will be spent in very specific programs to answer the need of not only the municipal governments but also of all taxpayers in this province.

**Mr Wiseman:** I would just like to ask a similar question to that which one of my colleagues asked the other day when the minister was talking about the tax on tires going to the Ministry of the Environment. We asked him if the Treasurer at that time had set aside a special fund for that to make sure that being earmarked would not only be talked about but actually would be earmarked.

I wonder if the minister could give his assurance that the Treasurer has set aside something that no other Treasurer in the almost 19 years I have been here has ever done, and that is have it out of the general fund and into a particular fund, whether it be transportation or whatever. I understand that in a few minutes we are going to increase the tax on gasoline, and I wondered if the minister is going to tell us if that is going to go to roads.

Could the minister just explain to the House whether he has talked to the Treasurer and whether the Treasurer has agreed to put that additional \$30 million into a particular program?

**Hon Mr Grandmaitre:** I have spoken to the Treasurer about these extra taxes. It says right in the budget that these dollars will be spent on very, specific programs. The member knows very well and he has been around long enough to realize that this has never been done. At budget time, the Treasurer is not too specific about where these dollars will be spent, but at a later date, let's say weeks after, the Minister of the Environment, the

Minister of Health or whichever minister introduces very specific programs.

Even if it is a tire tax or a gasoline tax, these dollars will be spent where the Treasurer said they would be spent. It was very clear in the budget that this is where they will be spent. The member can rest assured. I trust my Treasurer.

Section 2 agreed to.

Sections 3 to 8, inclusive, agreed to.

Bill ordered to be reported.

1700

## GASOLINE TAX AMENDMENT ACT, 1989

Consideration of Bill 24, An Act to amend the Gasoline Tax Act.

Section 1:

**The Deputy Chairman:** Mr Grandmaître moves that section 1 of the bill be amended by adding thereto the following subsection:

“(1a) Clause 1(e) of the said act is repealed and the following substituted therefor:

“(e) ‘importer’ means a person who brings or causes to be brought into Ontario gasoline in bulk, aviation fuel in bulk or propane in bulk.”

**Hon Mr Grandmaître:** Again this is more or less administrative. It is a definition to clarify “importer.” It is really administrative.

**Mr Wildman:** On behalf of the member for Markham (Mr Cousens), in his absence, I was wondering if the minister has a definition for “bulk.”

**Hon Mr Grandmaître:** I am sorry that my friend the member for Markham is not here today. I did try to answer my friend the member for Markham, and today I will try to answer my friend the member for Algoma (Mr Wildman). The definition of bulk is “large quantities.”

Motion agreed to.

**The Deputy Chairman:** Mr Grandmaître moves that section 1 of the act, as amended by subsection 1(2) of the bill, be further amended by adding thereto the following clauses:

“(ba) ‘aviation fuel in bulk’ means aviation fuel stored, transported or transferred by any means other than in a fuel tank of an aircraft or a motor vehicle in which aviation fuel for generating power in an aircraft or the motor vehicle is kept;

“(da) ‘gasoline in bulk’ means gasoline stored, transported or transferred by any means other than in a fuel tank of a motor vehicle in which gasoline for generating power in the motor vehicle is kept;

“(gb) ‘propane in bulk’ means propane stored, transported or transferred by any means other than in a fuel tank of a motor vehicle in which propane for generating power in the motor vehicle is kept.”

**Hon Mr Grandmaître:** Again, they are administrative amendments. They are better definitions.

Motion agreed to.

Section 1, as amended, agreed to.

Section 2:

**The Deputy Chairman:** Mr Grandmaître moves that the bill be amended by adding thereto the following section:

“2a. Section 4 of the said act is repealed and the following substituted therefor:

“4(1) Every importer shall, at the times and in the manner prescribed, collect from every wholesaler, retailer or purchaser to whom the importer sells aviation fuel, gasoline or propane, the tax collectable and payable under this act, and for that purpose, every importer is an agent of the minister for the collection of the tax imposed by this act.

“(2) Every importer who is a collector shall remit to the Treasurer, at the time and in the manner prescribed, the tax collectable and payable with respect to the aviation fuel, gasoline or propane imported by that person.

“(3) At the time of the entry into Ontario from outside Canada of aviation fuel, gasoline or propane, every importer who is not a collector shall remit to the Treasurer,

“(a) an amount as security equal to the tax that the importer would be obliged to collect under subsection (1) on the resale in Ontario of the aviation fuel, gasoline or propane; and

“(b) the tax payable by the importer under subsection 2(1).

“(4) The remittance required by subsection (3) shall be made to a person authorized by the minister for forwarding to the Treasurer by certified cheque or money order, payable to the Treasurer.

“(5) Every importer shall, at the times and in the manner prescribed, deliver to the minister or to a person authorized by the minister a return with respect to the aviation fuel, gasoline and propane imported by the importer.”

Motion agreed to.

**The Deputy Chairman:** Mr Grandmaître moves that the bill be amended by adding thereto the following section:

“2b. The said act is amended by adding thereto the following section:



"16a(1) Every person carrying aviation fuel in bulk, gasoline in bulk or propane in bulk and the operator of every motor vehicle carrying such products, shall, when requested by the minister or any person authorized by the minister, give written evidence to the requester of any or all of the following information,

"(a) the name and address of any person from whom the aviation fuel, gasoline or propane was obtained and the name and address of any person to whom the aviation fuel, gasoline or propane so obtained was delivered or is to be delivered;

"(b) the quantity of aviation fuel, gasoline or propane delivered or to be delivered to any person;

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"(c) the use or intended use, if known, to be made of any aviation fuel, gasoline or propane delivered or to be delivered from such motor vehicle.

"(2) The minister or a person authorized by the minister may detain a motor vehicle carrying aviation fuel in bulk, gasoline in bulk or propane in bulk where,

"(a) written evidence requested under subsection (1) is not given;

"(b) the information in the written evidence that is given is false; or

"(c) the importer fails to comply with section 4 or fails to deliver any return in accordance with section 4.

"(3) The minister or a person authorized by the minister may detain a motor vehicle under subsection (2) until the written evidence is given, the true information is given, the remittance required under section 4 is delivered or the return in accordance with section 4 is delivered, as the case requires.

"(4) During any detention under subsection (2), the crown, or any person acting in the administration and enforcement of the act, is not liable for any damages to the motor vehicle, its contents, cargo or freight, or to its owner or driver or otherwise that may occur or be alleged to occur by reason of the detention of the motor vehicle pending compliance with section 4 and subsection (1).

**Hon Mr Grandmaitre:** These are really the procedures to be followed at the border crossing if the transporter is not a collecting agent or does not provide the agent or the minister with the proper identification and the delivery of the fuel.

**Mr Harris:** I am not an expert on this particular piece of legislation. I do want to ask, though, about the liability section, subsection 4. Perhaps the minister can help me, that this bill

and the liability section as proposed by the minister with this amendment, as I understand it, is to limit the liability or in fact indicates that there shall be no liability on the part of the crown or any person acting on behalf of the crown, but then it says, "pending compliance with section 4 and subsection (1)." I assume those are the sections in the original bill.

I wonder if the minister could explain to me exactly what limitations there are. I would assume that without those limitations, the crown or somebody acting on behalf of the crown would not need to take due caution and care. I am not sure I would support giving carte blanche to the government to just blow the truck up and say, "Tough bananas, the law says I can do that."

I think the minister will know that for the employee to act on his own is the most common complaint we have of his employees. As they are tax collectors, I appreciate there is a certain susceptibility to this complaint; that is, that the tax collector is not fair and is very often obnoxious and very often acts as though he is God or has a little more power than the one having to pay the tax thinks he should have.

I appreciate that the situation is such that more often than not those allegations or charges or feelings are unfounded. None the less, the minister's employees are in that position just by the very nature of the job, as politicians by the nature of their job are not always seen—in the most recent polls, I am told—to be of the most trusted of professions. I do not understand that, quite frankly, myself.

Having said that, without knowing what limitations there are in the "compliance with section 4 and subsection (1)," I am sure the minister would not want, and I would not want, to be party to giving more power, particularly to abuse somebody's property. I wonder if the minister could clarify some of that for me.

**Hon Mr Grandmaitre:** In section 2a, the amendment I have just brought forward on the collection of tax, we go through the procedure of tax collection. No, it is not the intention of the agents at the border crossings to impede transporters of aviation fuel, gasoline, diesel or whatever. As long as they comply with subsection 4(1), it is not the intention of our agents to detain these transporters for ever. As long as they can comply and meet the requirements of subsection 4(1), then they can be on their way.

**Mr Harris:** "Pending compliance with section 4 and subsection (1)" means pending providing the documentation requested. Does it not concern the minister a little bit? That is not the way I



read it. I assumed there was some limitation on this. I appreciate that the vehicle can be detained until the law is complied with. Perhaps some lawyer can help me. I assume there are some limitations on what the ministry can do.

Let's say I bring a truck across the border and I do not have my documentation. The ministry then legally detains me and detains my vehicle until I can get the documentation. The possibility exists that the vehicle is detained for a day or two, or a week, and very likely the driver is not, obviously, the owner of the fuel and in some cases is not necessarily the one who is even concerned as much, or is responsible for not having the documentation.

If I read this section correctly, what it says is that once the vehicle is detained, regardless of whether the crown is negligent, regardless of whether the employee who detains it then decides to take it for a joy ride and knocks it over or does not take the proper precautions to protect that piece of property, the minister is saying, "Notwithstanding any of that, once it is under detention we're not liable."

I am not a lawyer. I am sure there must be something the minister can give me in law that says: "Yes, you are liable. You have detained that property. It is now in your possession and you then have a responsibility when you detain it to take normal precautions to make sure that property is not damaged."

Perhaps there is something that covers that and I just do not know what it is. Otherwise, I do not know why this section is necessary in the bill. I would want the government employees and the crown to take some responsibility once they take a truck into their possession. I guess that is what they are doing when they detain that vehicle. I wonder if the minister could elaborate more on that and help me with that.

1720

**Hon Mr Grandmaitre:** I am not a lawyer, but I will try. I am sure the member has crossed these border lines on a number of occasions and knows the security being taken by these agents. We will not detain the driver himself. We will detain only the cargo. At these border crossings, not only gasoline but any other products are under security. If he wants to give me an example, if he wants to be a little more specific, then maybe I could find him a better answer.

**Mr Harris:** Let me try this one: A truck comes along with a truckload of fuel and does not have the proper documentation. The ministry detains the vehicle. The driver goes back to Missouri, picks up the documentation, comes back three

days later and his truck is not there, his truck is burned, all the fuel is gone, the tires are flat or his radio has been stolen out of it.

He says: "Hey, I had \$80,000 worth of fuel in here. This truck's now empty." The minister says, "Tough bananas, section 4 says we've got no liability, either as an employee or as the crown." That is what I am asking. In fact, is he saying to me that once the minister takes possession of that truck and detains it, he does not have any obligation to try to protect that vehicle? If that is the case, I am not going to support this. In fact, I am going to seek quite a few more answers on this.

**Hon Mr Grandmaitre:** Again, if, for instance, the vehicle disappeared, I am sure there would be a reason. If the vehicle were to burn, I am sure there would be a reason for it. Let's face it, we say we are not responsible. If it is malicious, then it is another story. I am sure there would be a kind of investigation done because a truck would not disappear on its own or burn on its own. I am sure there must be a reason, even if it is damaged. I am sure the investigation would point out whether it was malicious or an act of God. So I think we are trying to split hairs. I am trying to accommodate the member and that is the best explanation I can give him.

**Mr Charlton:** Perhaps I can try putting the question of the member for Nipissing in a slightly different way. Perhaps the minister could give us an example of the kind of liability the crown is trying to protect itself from in this wording that is here. What is it that the minister will not take responsibility for?

**Hon Mr Grandmaitre:** A breach of contract, for instance, I am being told, if the vehicle were due on such and such a day to deliver its contents. If there is a breach of contract, if the truck or the vehicle is delayed, then we would not be liable for the detention of the vehicle if the gasoline or aviation fuel were not delivered on time. That is the kind of liability we are talking about.

**Mr Harris:** I would move an amendment, and I will draft it if I have to, to indicate, "During the detention under subsection (2), the crown, or any person acting in the administration and enforcement of the act, is not liable for any failure of contract compliance on behalf of the carrier, etc., etc., etc.", through there. Rather than having me sit here trying to draft something, I suggest to the minister that would be acceptable to me.

I understand what the minister is saying there. It is not the crown's fault or it would not be the agent of the crown's fault that the contract was not able to be fulfilled or the product delivered if



in fact the documents were not there. But I suggest to him this is pretty far-reaching.

If the minister takes the crown out, I might have a little more sympathy for what he is saying. I think the crown is indeed liable. I have some sympathy for the employee trying to carry out the myriad of confusing laws he has to carry out, but that employee is employed by the crown. If the crown acts negligently in its detention of the truck—and let's face it, it says here "not liable for any damages to the vehicle, its contents, cargo or freight, or to its owner or driver or otherwise that may occur or be alleged to occur by reason of the detention."

Clearly, there is nothing here about contract compliance or a problem they may have there with not being able to deliver the product on time. This says: "We're taking your vehicle. We're taking your cargo. We're going to hold it here. You go back and come back in three days or two days or four days with the documentation and you can pick it up."

The minister is saying we are not responsible for it. I just do not accept that. I think he is. I do not know how many more examples I can give, but even if an alleged criminal is charged and \$200,000 in cash is seized by the police and then subsequently, six months later, that person is found innocent, or is found guilty, but the money really belongs to him, the crown owes him the \$200,000 and it is liable to give it back to him.

I am not a lawyer, but I do understand this. I think if you seize the guy's truck and his cargo, he is entitled to get it back in the same shape he gave it to you. I do not think the minister can absolve himself of all liability. I think that the crown can absolve the employee of the crown and assume the responsibility and I would expect that the crown would do that anyway, as most good employers would do. In fact, if something happens and the employee is at fault, then the employer has ways to deal with that.

I am not an expert in this type of legislation, but I suggest to you that this goes a lot farther than anything I can imagine the minister would want to go.

**Hon Mr Grandmaitre:** If the driver or the owner of the vehicle has read what the liability clause says and he does not agree with it, then all he has to do is turn around and take the truck back. It is as easy as that. I do not agree that we should amend the liability clause.

1730

**The Deputy Chairman:** Is it the pleasure of the committee that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

**Mr Charlton:** I just had one question that I wanted to raise with the minister on the section before we pass the new amendments.

**The Deputy Chairman:** On section 2? Very well.

**Mr Charlton:** Perhaps the minister could explain the rationale that the Treasurer (Mr R. F. Nixon) used in determining that the exemption on alternative fuels would be changed, that a tax would be imposed on propane while maintaining the exemption on the other alternative fuels for motor vehicles. What was the rationale to take propane out of the exemption at this point?

**Hon Mr Grandmaitre:** I am being told it was increased for the reason that the federal tax had been increased and that was to maintain the difference between the provincial and the federal tax.

**Mr Charlton:** Was there not a total exemption on propane in terms of the gasoline tax until this amendment before us here?

**Hon Mr Grandmaitre:** Yes, the member is right.

**Mr Charlton:** What the minister is saying is that he is imposing this tax on propane but still exempting ethanol, methanol and natural gas because of an action taken by the federal government?

**Hon Mr Grandmaitre:** Yes.

**Mr Charlton:** What tax was imposed by the federal government on propane?

**Hon Mr Grandmaitre:** The tax on gasoline at the federal level was increased.

**Mr Charlton:** What does that have to do with removing the exemption on propane here in this bill, though? We had an exemption that covered ethanol, methanol, natural gas and propane. The minister has taken propane out of that exemption and left ethanol, methanol and natural gas still exempt from this tax. What is the difference between the two and what was the rationale for taking propane out of the exemption and leaving the others in?

**Hon Mr Grandmaitre:** I do not have that answer, so I am not going to try to invent one. It was increased and it was announced in the budget and what I am trying to do today is pass Bill 24, but I do not have a real answer for the member.

**Mr Charlton:** That is a fair comment on the part of the minister, since the decision was a decision of the Treasurer, not of the Minister of Revenue, but perhaps the minister could undertake to get for us some rationale from the Treasurer, because in the context of what I understood the exemption to be about originally, the exemption was to promote the use of alternative fuels. I just wanted to understand his rationale for withdrawing part of that at this stage.

**Mr Harris:** I too would be interested in knowing the answer and appreciate that it was not the minister's decision to make what appears to be an arbitrary decision to favour natural gas, ethanol, methanol over propane.

**Hon Mr Kerrio:** Isn't that what all taxes are, an arbitrary decision to pay for hospitals and everything?

**Mr Harris:** The Minister of Natural Resources seems to have all the answers. If he knows why it was done, I would yield the floor and he could give us that answer.

**Hon Mr Kerrio:** I just told you.

**Mr Harris:** It was an arbitrary decision.

**Hon Mr Kerrio:** That's what taxes are.

**Mr Harris:** Yes, but in this case, there were four alternative fuel products exempted from tax and now somebody has made a decision, presumably the Treasurer. Obviously, he did not consult cabinet because one, at least, has the honesty and integrity to say he does not know, and the other just blabbers on as if he does not care.

What we are dealing with here is a decision where one of the products has been selected now to be taxed, that being propane, while the other three apparently are still going to be exempt. I suggest to the minister that it appears as though somebody has made a decision. Maybe it is because propane is being used so much more and we can gobble up so much more money by taxing it. They could say: "Very few are using natural gas yet; that is, ethanol-methanol. When they start to use it, we'll tax it too," but still it is a decision that had to be taken on the basis of some knowledge of what is happening out there in the whole environmental field of alternative fuels.

Also, before we pass this section which includes the most contentious liability amendment that was brought in and which I saw only today, I suggest to the committee that the only opinion I have been able to determine in a very short period of time is that if a person is

negligent, liable and it is his or her fault, this bill is not worth the paper it is written on anyway.

If I can determine before third reading that is the case, I might be prepared to let this thing pass before we adjourn for the summer. If I cannot, I will not, because no one can tell me that one can write something in law to override everything else, exempt the crown from any liability once you take possession and seize and detain that property. There is something wrong here.

Perhaps a lawyer will be able to explain to me that is the standard thing they put in and that it does not mean anything anyway, because it really is not worth the paper it is written on. If that is the case, I would say, why put it in? I will try to determine that.

That is relatively contentious and we do not have the answer on propane. Maybe it was an oversight by the Treasurer and now he will want to tax everything else too; I do not know. We will see what he has to say. Maybe it would make some sense to adjourn discussion on this one and move on to the next one so that we can get some of those answers.

**The Deputy Chairman:** If there is no further discussion, shall section 2, as amended, stand as part of the bill?

**Mr Harris:** Mr Chairman, it is your prerogative to ignore me, as it is everybody else's. I appreciate that and will live with that. The member for Hamilton Mountain (Mr Charlton) raised the question first. I think the committee is now going to pass this section which in effect is going to tax propane, although I guess—where are we, on section 1?—maybe we can pick it up again on sections 2 or 3. So that is fine. Committee members should go ahead and pass this one.

1740

**The Deputy Chairman:** I will now therefore put the question. Shall section 2 stand as part of the bill?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Section 2 agreed to.

**The Deputy Chairman:** Shall sections 2a and 2b stand as part of the bill? Carried as amendments to section 2; additions to section 2.

**Mr Harris:** Is it section 2 of the bill?

**The Deputy Chairman:** The original section 2 of the bill stands as it appears in the bill with two additions, 2a and 2b, both of which have been passed now by the committee.



**Mr Charlton:** And voted upon?

**The Deputy Chairman:** And voted upon, yes.

**Mr Harris:** What is 2a?

**Mrs Cunningham:** We did not vote on 2b.

**Mr Harris:** When did we vote on 2a?

**Hon Mr Grandmaitre:** A few minutes ago.

**The Deputy Chairman:** We voted on 2a and 2b.

**Mr Harris:** Maybe I am on the wrong part. I thought we were on subsection 1(2).

**The Deputy Chairman:** We have voted upon the amendments to section 1, subsection 1(1a) and subsection 1(2), and thereafter we voted upon two additions to section 2 and I was merely confirming that they stand as part of the bill. I need not have done that and now I am sorry that I have.

**Mr Harris:** Why do I not just get to the point? I am opposed to—if you look at the top of page 2, I assume that is not being amended, 10.3 cents per litre. Is that not 2(1)(a)?

**The Deputy Chairman:** That is section 2 of the bill we just confirmed will stand as part of the bill, unamended, in its original form.

**Mr Harris:** Oh. I thought we were voting on the amendments. I did not recall that vote.

**The Deputy Chairman:** Therefore, just to finally confirm that, the two additions to the bill are 2a and 2b. Shall they stand as part of the bill? Agreed? Agreed.

Section 3 agreed to.

Section 4:

**The Deputy Chairman:** Mr Grandmaitre moves that subsection 4(1) of the bill be amended by striking out “subsection (2)” in the first line and substituting therefor “subsections (2) and (3),” and that section 4 be amended by adding thereto the following subsection:

“(3) Subsections 1(1a) and 1(2) and sections 2a and 2b come into force on a day to be named by proclamation of the Lieutenant Governor.”

Motion agreed to.

Section 4, as amended, agreed to.

Section 5 agreed to.

**The Deputy Chairman:** Shall the bill, as amended, be reported? Agreed?

**Mr Harris:** No, I did not agree to report it. Perhaps now is a more appropriate time for me to make the request that the bill not be reported until we get the answers to some of the questions while we are still in committee of the whole.

Quite frankly, I am not the critic for this ministry and came in to carry this. I am astounded now that I find out the amendments were tabled today. The budget is about three months old. The Legislature was planned to adjourn three weeks ago and the amendments to this piece of legislation were tabled today. Had I realized that before, I would have been even angrier that I did not know the answers. I assumed it was because I do not normally carrying this piece of legislation and was not right up to speed on it. I was prepared to accept it as my own fault.

But we have amendments here, some of them quite substantial, that were not given to the critics of the parties, that were not tabled before and that we had no chance to have a look at. I believe we are entitled to some of the answers to the questions we have asked before this moves out of committee.

**Hon Mr Conway:** I would like to help my friend the member for Nipissing. I do not know what has transpired in so far as the amendments are concerned, although the minister assures me they were circulated some time ago. But I recognize the situation in which he finds himself. I am quite pleased to facilitate his concern at this point.

I think we might want to have the committee report progress, the progress that has been made on this bill at this point and return to it in committee of the whole at a later date, because quite frankly I would like to use the remaining time this afternoon to get on with a couple of other items, if that is agreeable.

On motion by Mr Conway, the committee of the whole House reported progress on one bill, and reported one bill with certain amendments and one bill without amendment.

#### ONTARIO MINERAL EXPLORATION PROGRAM ACT, 1989

Mr Conway moved second reading of Bill 33, An Act to revise the Ontario Mineral Exploration Program Act.

**Hon Mr Conway:** I have very brief opening remarks. I know the government whip behind me was observing that I might have some interest, perhaps even a conflict of interest, in the last matter. To some extent, he is almost accurate, inasmuch as I have been very anxious to get on with the passage of this bill. It is very important to the mining community.

Essentially, as my friends the member for Lake Nipigon (Mr Pouliot) and the member for Nipissing (Mr Harris) know, the purport of Bill



33 is simply this: We are repealing the old Ontario Mineral Exploration Program Act that over a period of nine years has been the source of very considerable stimulus to exploration and development in Ontario. In its place, we are establishing a new legislative format that will allow me, for example, as Minister of Mines, through this legislation to give effect to the two very excellent budgetary programs that were announced earlier this spring in the budget of my colleague the Treasurer (Mr R. F. Nixon).

I am sure that my friends in the House generally, and particularly the member for Lake Nipigon and the member for Nipissing, will be very anxious to facilitate what I think is a very important step forward as we in the Legislature and in the community seek to ensure that there are relevant and practical incentive programs that will encourage this very important sector of our economy.

Specifically, the two new programs that were announced in the budget are aimed at prospectors to get out and to continue the very important work that they do. The second program seeks to provide stimulus to junior mining companies for the very important work they do in that area.

With those brief remarks, I want to put this important new initiative before my colleagues in the assembly and I hope it will be favoured by their positive response.

**The Speaker:** Are there any comments or questions? Is there any further discussion? I asked for comments or questions first.

**Mr Harris:** I saw the member for Lake Nipigon on his feet and assumed he had some. If he does not, I do.

1750

**Mr Pouliot:** I find it kind of ironic that the Minister of Mines (Mr Conway)—we are so used to saying “government House leader”—would have some query or mild concern regarding conflict of interest. I have read the criteria that are necessary to get some compensation, some encouragement, some incentive, some money, and I can assure the Minister of Mines, knowing some of his background, that he should not be in the least concerned; he does not even begin to fill the criteria when it comes to the incentives that are being proposed.

We have some difficulty philosophically when it comes to encouraging a sector of the economy that has done very well indeed. In fact, it has done so well that last year, as budget figures will attest, some \$13 million was received from the mining industry in provincial taxes. Astoundingly, you have to multiply that by more than

10-fold to get the projected figure for this fiscal year: some \$150 million.

There is really little reciprocity in what the minister is doing. The chief tax collector of Ontario's arm is a lot longer than the minister's; what he does on the eve of la prise de la Bastille is leave the mining industry with the crumbs. Nevertheless, the intent is well taken. There is very little of substance.

**The Speaker:** The member's time has expired.

**Mr Harris:** This is what I guess I would call enabling legislation. Normally, enabling legislation of this type means: “We really don't know what the heck we are going to do for these guys yet. This will give us the power to do it once we make up our mind; ie, whatever is going to be put into place and how it is going to work will be done by regulation.”

Maybe the minister could comment. Not that I am necessarily opposed, but I would appreciate hearing the reason from the minister, because I think this particular piece of legislation gives quite a bit more power to the regulations than most pieces of legislation are wont to do.

Perhaps the minister has some reasons why he believes that is necessary. I could understand one reason being the shortage of legislative time, the way the Legislature works, and if he wants to change the program, if he has to come back to the Legislature, particularly as House leader, putting his own piece of legislation up front all the time is not the best way to keep peace in the family. I appreciate that concern as well. I see some ministers nodding their heads.

Really, this does give a lot of flexibility, and until we can see the regulations, and as the minister knows, with his government's method of dealing with regulations, which is, “It's really none of the opposition's business; we will do whatever we want, when we want, and tell them about after it's all done,” the minister will understand my concern, which is exactly what it is he is going to do.

**The Speaker:** The member's time has expired. Are there any other comments or questions on the minister's opening remarks? Are there any other members wishing to make any comments?

So the members know where we are: We had opening comments by the minister. I called for comments or questions on the comments by the minister. Are there any other members wishing to comment? Would the minister wish to reply to those responses?

**Hon Mr Conway:** I would be very happy to reply. To take the comments of the member for



Nipissing first, he is quite right that the bill is, as he describes it, essentially enabling legislation. It enables me, in my capacity as Minister of Mines, to give effect to the two programs that were announced in the spring budget by the Treasurer.

The specifics of those two programs have been announced, the assistance to prospectors and the assistance to junior mining companies; they are out there for the community to see. What this legislation does is to give legal status to the programs that will underscore those. I should not admit this, but I stole a little bit here; in 1977, when the Tories were in office, I remember when the Minister of Northern Affairs brought in his legislation, it was something in that mode.

**Mr Jackson:** You were against it then.

**Hon Mr Conway:** No, I do not think I was, as a matter of fact. I simply want to confirm the observation of the honourable member for Nipissing, because it is quite accurate, although I do want to make clear that the two specific programs that were announced in the budget are out there, and we want to get on with those.

To my friend the member for Lake Nipigon, I simply want to observe it is true that in 1989-90 it is estimated that the mining tax revenues will be something in the order of \$150 million; the levels are quite high. But he would want me to say, for example, that just two years ago the revenues were about 10 per cent of that, some \$13 million. Those who are familiar with the mining industry, and I know my friend the member for Sudbury East (Miss Martel) is, know that it is very cyclical; often when times are good they are very good; when times are bad they tend to be often very bad.

This program seeks to do two things: to stimulate exploration and development by providing direct incentives to prospectors so they can get out there and do the important work of continuing the exploration, and secondly, to provide specific assistance to junior mining companies—

**The Speaker:** The minister's time has expired. Any other members wishing to participate in the debate?

**Mr Pouliot:** As one of my role models, the former member for Grey-Bruce, would say, rules and regulations for too long have not allowed small people, if you wish—people with moderate means—in the mining industry to have access and to look to the future with confidence.

Take flow-through shares, for instance. I was one of the few members of our caucus who had a view that was universally shared. I really strongly believe that it worked well. It worked

well, perhaps, by ricochet or by accident as opposed to design. It cost the taxpayers very little. It allowed people to go into the field to do some work and in some cases to find mines; so it was a win-win situation. Unfortunately, it happened at a time when metal prices were at or near record highs, so it did not generate the kind of incentive at a time when it was so much needed.

The tragedy of flow-through, by virtue of its criteria, was that again the small people did not have access to it. What the minister is humbly offering, and the point is well taken, will allow people some \$10,000, if, for instance, you are a prospector; then you will have the opportunity, should you find an interesting situation, to stay. The \$10,000 will encourage you to do so. A few more dollars will give you the opportunity to work your claim, so you can keep your claim. Inevitably, we will be able to stall or stave off the big players, the people in Commerce Court with shirts and ties and three-piece suits—not people who find mines but people who buy them.

In conclusion—I realize it is close to six of the clock, and some of us on this side of the House had a very taxing and long day, albeit a rewarding one—I was a little amused by the compendium submitted by the minister. There is one line:

“The provision dealing with inspections to ensure compliance with the act or regulations has been drafted to conform with the Canadian Charter of Rights and Freedoms and with the standards of the Ministry of the Attorney General.”

Notwithstanding this contribution, we certainly intend to support Bill 33, which is really an update.

The minister could have done a lot more. If he were to look at our situation up north, as in farming, the land does not yield easily. We are resource-based and depend on imaginative and well-meaning incentives. He has begun by taking a step in the right direction, and he is to be encouraged, but he certainly has not been bold nor forward. He could have done a lot more.

It being six of the clock, I would move adjournment of the debate.

1800

**Hon. Mr Conway:** Mr Speaker, my preference is to continue if possible; I think we should finish this item of business.

**The Speaker:** There has been a motion.

The usual procedure to sit past six of the clock, I believe we are all aware, is on government motion. However, if there would be unanimous



consent and the members could give me the length of time?

**Mr Harris:** Mr Speaker, if we moved really quickly and you did not look up, we still might be pretty close to six of the clock by the time you adjourn the House.

**The Speaker:** Sometimes the Speaker has to adjust his hearing also. Did the member for Lake Nipigon want to withdraw his motion then?

**Mr Pouliot:** Of course.

**Mr Harris:** We will not oppose the legislation. I agree with the member for Lake Nipigon that this is a very small measure to assist an industry and those employees, particularly in northern Ontario, who are facing difficulty in a number of areas. Members will know that the forest industry is under severe stress with prices, availability of timber and, more particularly, in dealing with the government. Without getting into that debate, the two primary industries and those secondary industries of geology and manufacturing related to mining are very important to us, particularly in northern Ontario and indeed in my riding of Nipissing.

We do not think the bill does nearly enough or that the budget that prompted this bill does nearly enough. I will not hold up the legislation, but I do repeat my concern to the minister that it is very permissive. While I understand that this bill will enable him to enact the measures announced in the budget, just to give me a feeling, I would be interested if the minister, in summing up, perhaps would confirm my suspicion that it also lets him bring in a whole bunch of other things if he wishes and to change the program or the criteria in a fairly substantial way without ever having to come back to the Legislature.

Sometimes I am a little reluctant to give that degree of flexibility and power to the crown. When one leaves everything in the hands of regulation, one does tend to bypass the Legislature. According to my reading of the bill, some very substantive changes in program direction could be undertaken without amendment to the legislation and in fact could all be done by regulation.

I guess the only other thing I could do is ask the minister to confirm my suspicions, and if they are true, to get an undertaking from the minister binding on his heirs and successors, including those from other parties, that indeed he would want to move very cautiously and with a great deal of consultation on changing the regulations to make any kind of substantial change in the direction a government may want to go in the future. On behalf of my party, after 1991, when

we are in that position, I make that undertaking to the Legislature now as well.

**The Speaker:** Is it agreed that the minister will wind up? Agreed.

**Hon Mr Conway:** I want to just thank my friends for their quite constructive criticism, and it is an understandable criticism. Both members know the field very well.

I say with some pride that these two budgetary programs reflect the very extensive consultation that I and the government had with prospectors and developers. My friend the member for Lake Nipigon makes the fair criticism that it is only \$5 million or \$8 million and that there ought to be more. Certainly those of us who are line ministers are always trying to receive additional financial support from the Treasurer for these kinds of initiatives, and he always quite rightly reminds us, saying, "What do you think the tax burden ought to be?"

It is important for me to say that these two initiatives very much reflect not just the very positive consultation with prospectors and developers but also what is very important for exploration and development. I am particularly proud of the initiatives that the member for Lake Nipigon referred to about making sure that the ordinary prospector got some consideration. A lot of the flow-through money in fact missed in its first or direct application the unincorporated juniors or prospectors. These two programs are targeted at those two particular groups and, I might add, we believe they complement the federal Canada exploration and development incentive program, or CEDIP, which is the son or daughter of flow-through, as my friends opposite know.

I will say to my colleagues the member for Lake Nipigon and the member for Nipissing that certainly the principle of the bill is contained in section 2, where essentially it says that the cabinet "may make regulations to establish incentive programs." Then, going up to section 1 of the bill, the definition says, "'incentive program' means a program prescribed under this act to encourage exploration or development."

I think the intent of the legislation is quite clear. I cannot imagine that any Minister of Northern Development and Mines or any Treasurer would undertake an exploration or incentive program of this kind and not want to (a) consult and (b) make it very plain in this Legislature, so that the good works of the government of whatever political stripe might be well known and widely advertised.



My friend the member for Nipissing raises a very legitimate caution, and I certainly will be guided by his very wise counsel in that connection.

Motion agreed to.

Bill ordered for third reading.

The House adjourned at 1807.

**ALPHABETICAL LIST OF MEMBERS\***  
(130 seats)

Second Session, 34th Parliament

**Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC**

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| <p>Adams, Peter (Peterborough L)<br/>           Allen, Richard (Hamilton West NDP)<br/>           Ballinger, William G. (Durham-York L)<br/>           Beer, Charles (York North L)<br/>           Black, Kenneth H. (Muskoka-Georgian Bay L)<br/>           Bossy, Maurice L. (Chatham-Kent L)<br/> <b>Bradley, Hon James J.</b>, Minister of the Environment (St Catharines L)<br/>           Brandt, Andrew S. (Sarnia PC)<br/>           Breagh, Michael J. (Oshawa NDP)<br/>           Brown, Michael A. (Algoma-Manitoulin L)<br/>           Bryden, Marion (Beaches-Woodbine NDP)<br/>           Callahan, Robert V. (Brampton South L)<br/>           Campbell, Sterling (Sudbury L)<br/> <b>Caplan, Hon Elinor</b>, Minister of Health (Oriole L)<br/>           Carrothers, Douglas A. (Oakville South L)<br/>           Charlton, Brian A. (Hamilton Mountain NDP)<br/>           Chiarelli, Robert (Ottawa West L)<br/>           Cleary, John C. (Cornwall L)<br/>           Collins, Shirley (Wentworth East L)<br/> <b>Conway, Hon Sean G.</b>, Minister of Mines (Renfrew North L)<br/>           Cooke, David R. (Kitchener L)<br/>           Cooke, David S. (Windsor-Riverside NDP)<br/>           Cordiano, Joseph (Lawrence L)<br/>           Cousens, W. Donald (Markham PC)<br/>           Cunningham, Dianne E. (London North PC)<br/>           Cureatz, Sam L. (Durham East PC)<br/> <b>Curling, Hon Alvin</b>, Minister of Skills Development (Scarborough North L)<br/>           Daigeler, Hans (Nepean L)<br/>           Dietsch, Michael M. (St Catharines-Brock L)<br/> <b>Eakins, Hon John F.</b>, Minister of Municipal Affairs (Victoria-Haliburton L)<br/> <b>Edighoffer, Hon Hugh A.</b>, Speaker (Perth L)<br/>           Elliot, R. Walter (Halton North L)<br/> <b>Elston, Hon Murray J.</b>, Chairman of the Management Board of Cabinet and Minister of Financial Institutions (Bruce L)<br/>           Epp, Herbert A. (Waterloo North L)<br/>           Eves, Ernie L. (Parry Sound PC)<br/>           Farnan, Michael (Cambridge NDP)<br/>           Faubert, Frank (Scarborough-Ellesmere L)<br/>           Fawcett, Joan M. (Northumberland L)<br/>           Ferraro, Rick E. (Guelph L)<br/>           Fleet, David (High Park-Swansea L)</p> | <p><b>Fontaine, Hon René</b>, Minister of Northern Development (Cochrane North L)<br/> <b>Fulton, Hon Ed</b>, Minister of Transportation (Scarborough East L)<br/>           Furlong, Allan W. (Durham Centre L)<br/> <b>Grandmaitre, Hon Bernard C.</b>, Minister of Revenue (Ottawa East L)<br/>           Grier, Ruth A. (Etobicoke-Lakeshore NDP)<br/>           Haggerty, Ray (Niagara South L)<br/>           Hampton, Howard (Rainy River NDP)<br/>           Harris, Michael D. (Nipissing PC)<br/>           Hart, Christine E. (York East L)<br/>           Henderson, D. James (Etobicoke-Humber L)<br/> <b>Hošek, Hon Chaviva</b>, Minister of Housing (Oakwood L)<br/>           Jackson, Cameron (Burlington South PC)<br/>           Johnson, Jack (Wellington PC)<br/>           Johnston, Richard F. (Scarborough West NDP)<br/>           Kanter, Ron (St Andrew-St Patrick L)<br/> <b>Kerrio, Hon Vincent G.</b>, Minister of Natural Resources (Niagara Falls L)<br/>           Keyes, Kenneth A. (Kingston and The Islands L)<br/>           Kormos, Peter (Welland-Thorold NDP)<br/>           Kozyra, Taras B. (Port Arthur L)<br/> <b>Kwinter, Hon Monte</b>, Minister of Industry, Trade and Technology (Wilson Heights L)<br/>           Laughren, Floyd (Nickel Belt NDP)<br/>           LeBourdais, Linda (Etobicoke West L)<br/>           Leone, Laureano (Downsview L)<br/>           Lipsett, Ron (Grey L)<br/>           Lupusella, Tony (Dovercourt L)<br/>           MacDonald, Keith (Prince Edward-Lennox L)<br/>           Mackenzie, Bob (Hamilton East NDP)<br/>           Mahoney, Steven W. (Mississauga West L)<br/> <b>Mancini, Hon Remo</b>, Minister without Portfolio (Essex South L)<br/>           Marland, Margaret (Mississauga South PC)<br/>           Martel, Shelley (Sudbury East NDP)<br/>           Matrundola, Gino (Willowdale L)<br/>           McCague, George R. (Simcoe West PC)<br/>           McClelland, Carman (Brampton North L)<br/>           McGuigan, James F. (Essex-Kent L)<br/>           McGuinty, Dalton J. (Ottawa South L)<br/>           McLean, Allan K. (Simcoe East PC)<br/> <b>McLeod, Hon Lyn</b>, Minister of Colleges and Universities (Fort William L)<br/>           Miclash, Frank (Kenora L)</p> |
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 Morin, Gilles E. (Carleton East L)  
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 Neumann, David E. (Brantford L)  
 Nicholas, Cindy (Scarborough Centre L)  
 Nixon, J. Bradford (York Mills L)  
**Nixon, Hon Robert F.**, Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)  
**Oddie Munro, Hon Lily**, Minister of Culture and Communications (Hamilton Centre L)  
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**O'Neil, Hon Hugh P.**, Minister of Tourism and Recreation (Quinte L)  
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 Owen, Bruce (Simcoe Centre L)  
**Patten, Hon Richard**, Minister of Government Services (Ottawa Centre L)  
 Pelissero, Harry E. (Lincoln L)  
**Peterson, Hon David R.**, Premier and President of the Council and Minister of Intergovernmental Affairs (London Centre L)  
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**Phillips, Hon Gerry**, Minister of Citizenship (Scarborough-Agincourt L)  
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**Ramsay, Hon David**, Minister of Correctional Services (Timiskaming L)  
 Ray, Michael C., Deputy Chairman of the Committees of the Whole House (Windsor-Walkerville L)  
 Reville, David (Riverdale NDP)  
 Reyecraft, Douglas R. (Middlesex L)  
**Riddell, Hon Jack**, Minister of Agriculture and Food (Huron L)  
 Roberts, Marietta L. D. (Elgin L)  
 Runciman, Robert W. (Leeds-Grenville PC)  
 Ruprecht, Tony (Parkdale L)  
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No. 41

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Second Session, 34th Parliament**  
Thursday 13 July 1989

Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers

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Published by the Legislative Assembly of Ontario  
Editor of Debates: Peter Brannan



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Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of members of the Legislative Assembly of Ontario.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 13 July 1989

The House met at 1004.

Prayers.

## ORDERS OF THE DAY

### PRIVATE MEMBERS' PUBLIC BUSINESS

#### FIREFIGHTING

Mr Wiseman moved resolution 17:

That, in the opinion of this House, recognizing that municipalities with populations of under 10,000 people do not have the financial tax base to purchase modern, effective and reliable fire protection equipment, the government should subsidize these communities with unconditional per household grants for this purpose; and recognizing as well that it is inconvenient and expensive to send volunteer firefighters to train in Gravenhurst, that the Ministry of the Solicitor General provide training for these forces in their own regions of the province.

**The Acting Speaker (Mr M. C. Ray):** The member has up to 20 minutes for his presentation and may reserve any portion thereof for his windup.

**Mr Wiseman:** I am very pleased today to be given the opportunity to present this resolution to the House. I presented a similar resolution a few years ago, but I think it is even more important today than it was then because of the cost of firefighting equipment and the cost of the supplies that are needed to get rid of a lot of hazardous waste that is travelling on our highways and through trains and other modes of transportation.

I would like to acknowledge as well that our colleague the member for Algoma (Mr Wildman) brought forth the first part of my resolution in 1987. Speaking to him yesterday, he would have loved to be here to speak to this, but he is back, I believe, at a function in his own riding.

Hopefully, not all of us in the House will have to go through it, but my wife and I, over the last 35 years or so, have had the misfortune to have two small fires. It was really good to have had the local rural fire department there right away, knowing what to do to put it out. It saved many thousands of dollars, as well as a lot of grief to my wife and me.

We did a lot of homework. I will not have time to get it all in today, but we did speak to the fire chiefs in most of eastern Ontario. They all support this resolution fully. The town of Arnprior, which is in my riding, went a little further to say that the newest fire truck it has is 12 years old. Many others, as members can guess, are quite a bit older than that and they really need upgrading.

As we all know, large centres have the tax base and are able to buy the new equipment. Many times, the used equipment is sold to small municipalities. I am told a lot of it is outdated and some of it is not even safe.

When I checked into it, there are really no standards for used equipment or materials. Maybe we should be asking the acting Solicitor General (Mr Scott) to bring in guidelines to introduce some sort of certification program for used equipment.

The fire chief in Prescott says they are fine in the town of Prescott, but the outlying areas are really in need of upgrading of their equipment. The town of Perth, a town of just about 6,000 people, has just made an expenditure of almost \$200,000 on a new fire truck.

Many of the councils that have got back to me—and many of us have heard from our municipalities—have said that Statistics Canada has reported that transfers to municipalities this year have dropped by some \$832 million. So, there are a lot of places for the local municipalities to pick up from the taxpayers what the provincial government used to give them in transfer payments.

1010

I am pleased the Ministry of the Solicitor General has seen fit to put \$20,000 into a study that will be done by that office and the fire marshal's office and a group of volunteer firefighters to study the standards and the training that should be supplied to volunteer firefighters. Jack McAllister, president of the Ontario Association of Fire Chiefs, says that right now the training is inadequate for these groups in Ontario. He fully supports this resolution as well.

There is a concern with any municipality that is along a large highway like Highway 401. Many of the firefighting areas along it, and other



main arteries, from time to time have spills of hazardous waste. There are very few large municipalities that have the training or the equipment to deal with this sort of thing, let alone a volunteer fire department that has not had the training or does not have the equipment to deal with such a problem.

The training is pretty well all done at the Ontario Fire College and it is done on a weekly basis. Many of the firefighters, particularly the volunteer firefighters, are away from their families a lot if there are many fires in the area. Also, they have families to look after and many of their wives and children do not like to see them take a week of their holidays to go away to take a course at the fire college.

I think it would be fitting if they would go out into the regions more to train the people, and perhaps on long weekends have three-day courses. I understand that to get into the fire college now on a course there is a backlog and it takes something like a year and a half to get into the course and actually take it at the fire college, if you do want to give up a week of your time.

The hazardous waste training is done by the representatives in the region from the fire marshal's office, and I understand there are 16 trained at a time in that class, but they have only two classes a year of 16 people each.

One of those classes is for people who have the equipment to look after hazardous waste if there is a truck accident or something along that line along Highway 401 or some other large artery, and the other one is for smaller municipalities that do not have the equipment to handle things like that.

I can tell the members that in the town of Smiths Falls, just about 11 months ago, we almost had a real disaster. We did not know someone was storing hazardous waste in an old shed or a barn at the back of a house. On a hot day in late August last year, they noticed smoke. I guess it was some chemicals that had been stored there that were owned by the federal government and they were just lucky they did not explode. The fumes were coming up through the roof and when volunteer firemen went in there not knowing what was in that shed, they could have been risking their lives or health problems from that day on.

It was something like two days before even the Ministry of the Environment got in there. The mayor and I had to really hound them to get them in to check it out, even though they are supposed to have a Zenith number and be there as soon as

possible. Almost 48 hours does not seem like a reasonable length of time.

Since then, they have asked that any hazardous waste in the area be recorded with the fire department to try to avoid something like that. But they did not have the equipment, even if they had known what was in there, to deal with that. They had to bring in heavy equipment from just outside of Hamilton and outside of Montreal or Quebec City, I believe it was.

I just feel that in our rural municipalities that have volunteer firefighters who do come out in all sorts of weather to protect us, the firefighters should be encouraged to take more training, take it in their region, and if they decide to take a week's holiday off to take the course, they should not have to wait a year and a half for it. The fire marshal's representatives in the region should give these short courses for two or three days on the weekend so that it would be more convenient for them, and the Ministry of the Solicitor General should look at finding some money for the equipment.

We asked the Ministry of Skills Development for some money for training of the fire departments for hazardous waste and we were turned down flat. I think that is one area that could help to assist the fire groups.

I am anxious to see what some of my colleagues from other areas representing fire departments and municipalities of under 10,000 have to say about it. I am sure they would be supportive because, if they are listening to their fire departments and the councils, they know it is very costly for them to try to provide this training and equipment.

I will save the rest of my time for my windup.

**Mr Hampton:** I want to participate in this debate because I think it is important from the prospect of the province as a whole and how the province looks at the provision of necessary local services.

It also is very important in terms of the part of the province that I come from because we probably have more small and recently established rural municipalities in northern Ontario than anywhere else in the province. Indeed, I have in my own constituency a number of small rural municipalities which one can say, without hesitation, are cash-strapped. At the same time, there is a demand for a fire protection service and it is a demand I think none of us would want to deny to people who live in those areas, and I think the provincial government would not want to deny that.



## 1020

In terms of how this all fits in with the policies of the provincial government, it seems there is a bit of an anomaly in what the province is doing. On the one hand, the province says to communities far and wide that it would prefer the local provision of services, the provision of necessary services by local boards and organizations rather than centralized service provided by the province. The province has enunciated a number of reasons for this type of policy.

First, I gather the province feels it is less efficient to provide these services in a centralized way, and on the other side, more efficient for the local communities to provide them. Second, I think the province always takes the view that it is less expensive for local communities to provide the service. Third, I think the province has always taken the position that it is good, in some sense of local democracy and responsibility, that the local municipality provide the service.

Unfortunately, when it comes to the provision of fire protection service for small municipalities and rural municipalities, I do not think the province has followed through on those things it has enunciated. Let me give an example. If you are an unorganized region or an unorganized rural municipality, that is, you do not have an actual municipal form of government, the province has been quite generous, some would say too generous, in assisting unorganized territories or unorganized rural municipalities in terms of providing them with equipment, funding for training and grant funding to put together a volunteer fire department. The province in many cases has been very generous with respect to unorganized municipalities.

If the province is going to do that for an unorganized territory that has no real municipal structure, you would think that the province, having done that for small unorganized territories, would perhaps be more generous with small organized municipalities, because after all, here is a municipality that has decided it wants to run its own affairs. It will bear the cost of municipal government and some of the restrictions that go with municipal government. You would think the province would then say, "We want to help you as well." In fact, that is not the case.

What has happened, especially across the northern part of the province, is that you actually have small municipal governments that are looking over their shoulders, saying: "Wait a minute. Why should we bother to become responsible municipal bodies? Why should we

bother to have a municipal organization if the province is going to penalize us financially in terms of fire protection when we do this?"

There are organized municipalities that have written to the Ministry of the Solicitor General and have held discussions with the ministry and said: "Please, it is very expensive for us. We are quite small. We have only 500 or 1,000 residents in our municipality. We have very little commercial tax base. You have provided generous assistance to the neighbouring unsurveyed, unorganized territory next door. Why this anomaly in policy? Why can we not receive funding as well?"

The government's response is, "Yes, we do give you some grants," but ask any municipal leader out there today and he will tell you, and they have told this government in many ways now—you need only go to the Northwestern Ontario Municipal Association conferences and you will hear it. At NOMA, I think it was put quite bluntly to the government that the existing grant structure is not sufficient as it is.

What is really needed in terms of working out an equal basis for small municipalities is to look at the funding that is provided to small organized rural municipalities and then look at the funding that is provided to small unorganized territories and compare them. Members will see that there is no equality of treatment whatsoever.

What is the end result? The end result, as I said a bit earlier, is that in some cases you actually have small rural municipalities that are saying to themselves: "Maybe we should unorganize. Maybe we should disband the municipal corporation since the province seems to be more generous if we don't try to exercise some type of local responsibility and democracy." I suggest to the government that is an absurd result and one the government ought to pay a lot of attention to.

The other result, one that is no less absurd, but probably of more drastic consequence immediately, is that small rural municipalities and small villages simply cannot provide the kind of fire protection that they need and that I think everyone who lives in this society would say they deserve and ought to have. So you have small communities getting by with much less than any rational standard would find acceptable.

I am glad the member has brought this private member's resolution forward. I note that it is quite like a resolution that was sponsored by my colleague the member for Algoma in 1987. I can only say that maybe we will have to have more of these before this government sits down and takes a very careful look at where it is spending its fire



protection dollars, at the equality of the situation and the overall grant structure for the provision of these kinds of firefighting services.

Finally, the resolution speaks in terms of the cost of sending volunteer firefighters to Gravenhurst. Particularly in my part of the province, that is an unrealistic and some would say totally asinine expense. In a province this large where you have a large number of volunteer fire departments established in northern Ontario because of the sparse population, it makes no sense at all to send all those volunteer firefighters to Gravenhurst for training. In fact, many communities in northern Ontario have petitioned the government to provide a volunteer firefighters' training centre somewhere in northern Ontario. The cost advantages to the government would be incredible if the government did that. I recommend that strongly. It is long overdue.

I see my time is up. There are a few other things I would like to say, but they will have to wait for another time.

**Mr Kanter:** I rise in support of the motion put by my colleague the member for Lanark-Renfrew and supported by the member for Rainy River. I am in support of the general principle of the resolution. However, I do have some concerns about some of the details and would like to speak about some of the specific aspects of the resolution the member has put.

While I am in support of the principle of more provincial funding for fire equipment, I believe the specific funding proposal requires further refinement. I would like to emphasize that there is now a considerable amount of training, particularly for volunteer firefighters, provided on a decentralized basis, while agreeing with the member that there is room more more effort along those lines.

I would like to point out that the resolution is silent on the matter of fire prevention. This is something that this government considers extremely important. We understand and are looking at the efforts of some other countries that spend more on fire prevention than they do on fire suppression and firefighting. They have a much lower rate of loss from fire damage than we do here in Canada.

**1030**

I expect that most members of the House are familiar with the rough pattern of the delivery of fire services in Ontario. We have 34 full-time fire departments, 100 composite departments that consist of both professional salaried firefighters and volunteers, and 522 volunteer departments. Perhaps the important point to note here, as some

other speakers have, is the fact that there are more in terms of numbers. There are 17,000 volunteer firefighters compared to 9,000 full-time firefighters.

I also think it is important members are aware of the difference in costs between a full-time fire department, a volunteer fire department, and in some cases smaller municipalities that purchase fire protection from neighbouring municipalities. A full-time fire department obviously costs more. You are looking at a per capita cost of \$50, \$60, \$70 or \$80 a year. Volunteer fire departments might cost \$30 to \$40 a year and smaller municipalities that purchase fire protection have a still lower cost of \$10 to \$15 per year.

I know my colleague the member for Lanark-Renfrew made the point that fire equipment is expensive. He is of course correct, but we understand that well-maintained equipment will last for a number of years. Perhaps well-maintained 12-year-old equipment is more than adequate in most parts of the province.

I would take some exception to one of the comments I heard that suggested there was some sort of massive decrease in the amount of grants provided to organized municipalities. Clearly, organized municipalities are in a different position, a better position and a stronger position than unorganized municipalities in terms of grants.

Last year, this provincial government provided unconditional grants of about \$870 million consisting of several different factors: general support grants, per-household grants, resource equalization grants and special support grants. I would emphasize that the formula for these grants is really biased towards municipalities that have smaller tax bases so that some larger municipalities, such as the area I represent, get relatively little in municipal grants per capita, quite deservedly so, compared to other municipalities that have a smaller tax base.

Of course, money from any or all of these sources, these unconditional grants, can be and are used to purchase fire protection equipment. It is also true that municipalities receive a number of conditional grants, some of which are related to fire protection services. There is funding to cover the cost of fires that originate on crown land, funding to assist in the prevention and control of grass, brush or forest fires, and also funding for unorganized municipalities, which my colleague the member for Rainy River referred to.

This program, which began in 1976, has had a substantial impact on reducing the fire death rate



in unorganized communities. The fire death rate was much higher than in the rest of the province. It is still higher but it has been reduced substantially.

I think my colleague the member for Rainy River may have pointed out a difficulty with the resolution, perhaps inadvertently, when he said that there is a problem with the cutoff. If you provide total assistance to unorganized communities and no assistance at all to municipalities, there is a difficulty between those municipalities that may in other ways be quite similar.

Similarly, I have some difficulty with the precise nature of the funding mechanism proposed in the resolution. It speaks of subsidizing communities with less than 10,000 people by unconditional grants. I am a little uncertain what that means, whether that is really an unconditional grant, because if funding were provided to municipalities on an unconditional basis, they would not have to use it for firefighting equipment.

I also see some difficulty with the 10,000 population cutoff figure. Taken literally, that would mean that every municipality with less than 10,000 residents would get provincial funding, while no community with more than 10,000 residents would receive help, regardless of its tax base or its need.

I am sure the member for Lanark-Renfrew and all members of the House can appreciate that might lead to anomalous situations. I know there are some municipalities—I can think of Smiths Falls, for example, in his riding—that would receive provincial help because they have under 10,000 people. I know there are perhaps other similar municipalities, such as Rideau township in the riding represented by the member for Carleton (Mr Sterling), or Collingwood in the riding of Simcoe West or Nickel Centre represented by the member for Sudbury East (Miss Martel), that might be just over the 10,000 population figure.

I think there would be some anomalies if you had a 10,000 population figure without looking at tax base or need. I think we need a somewhat more sophisticated mechanism for providing financial assistance.

I would note, and it has been noted, that there was a previous resolution on this subject by the member for Algoma, but the size of municipalities was not so clearly defined in that other resolution. I understand the intent. I support the intent. I am just suggesting that we need to be a little more refined in terms of the nature.

I would like to spend a moment or two on the question of training of fire department officials, particularly volunteer officers. I understand that regional training has been carried out very extensively. Regional training schools were held in a number of counties and districts—the counties of Brant, Kenora, Rainy River, Leeds and Grenville. There were fire prevention schools held in a number of areas including the county of Lambton. I believe my colleague the member for Lambton (Mr D. W. Smith) will be speaking on this further.

Seminars were held on subjects appropriate for various municipalities, for example, a wood heat seminar. There is a training course for residents in the South Algona, Lyndoch and Brudenell area. I understand my colleague the House leader is particularly interested in that area.

In fact, and I think it is an important figure, there were 6,700 firefighters trained by the Ontario fire marshal in 1988; 4,600 of them were trained at one of the regional programs noted above, in contrast to 2,100 students attending the Ontario Fire College in Gravenhurst. Nearly two out of three firefighters who received training by the government through the fire marshal's office were trained at a regional location.

Further progress is under way. As my colleague mentioned, there is a group of the fire marshal's office, the Ontario Association of Fire Chiefs and municipal fire service leaders studying other ways of improving training, with new training programs to include not just one other centre, but really, truly decentralized training, direct training in the firefighter's own community, training by correspondence, video or community colleges in local municipalities.

I have time just to mention the fact that most fire deaths result from inadequate fire prevention, not from inadequate firefighting. We are concentrating more efforts on fire prevention as well as suppression. There is a program known as the fire safety assist program with a number of components, particularly to help firefighters in smaller communities to be involved, to be knowledgeable and to be helpful with fire prevention.

In conclusion, I support the thrust of this resolution, as it highlights the essential nature of firefighting services in Ontario. I suggest that the provincial government, primarily through the Solicitor General, and also local governments, have a role to play in fighting fires.

While more thought must be given to some of the details, I think it is very important that we achieve the highest possible level of fire safety in



Ontario, in our smaller communities as well as our larger urban centres. Therefore, I commend the member for introducing this motion. I will be supporting it.

**Mr D. W. Smith:** I am pleased to rise this morning to participate in the debate concerning the resolution of the member for Lanark-Renfrew regarding the possibility of funding from the provincial government for the purchase of the firefighting equipment for smaller communities with populations of less than 10,000, as well as the idea of providing training firefighters in a location other than Gravenhurst.

Certainly, as the member for Lambton, I represent a good many municipalities with fewer than 10,000 people. In fact, all the municipalities I represent have fewer than 10,000 people with the exception of the town of Clearwater, but the portion I represent in Clearwater has only 8,500 people, so I guess all the municipalities I represent are under the 10,000 figure.

I am one who has to support him, certainly on the principle of the resolution. It is a resolution: As a member of the government party, I guess I can support that somewhat more easily, because, as everyone knows around here, we cannot promote motions or bills that are going to cost the government money. But in this case it is a resolution and the idea behind it I think is very good.

1040

In my riding, we have a tremendous number of volunteer fire departments. I just want to name some of them. In fact, I may be able to name most of them. Courtright and Watford happen to be our two oldest fire departments, and they are extremely efficient at what they do and how they handle fires. The village of Courtright fire department happens to be quite close to our Chemical Valley. As everyone knows, the Chemical Valley is made up of possibly 20 major international plants that have very dangerous chemicals around them, and if fires do take place they can be serious. If these men—usually; I believe there are some women now but mainly men in the fire departments—have to fight a fire in those localities, they have to be trained in the dangers of the different chemicals around those areas.

We can go on and name the Oil Springs-Dawn fire department, the Petrolia-Enniskillen, Sombra-Port Lambton, Wyoming-Plympton and Forest-Plympton. Plympton township has one of its own. Warwick township has one. Bothwell, which happens to be in the county of Kent, I believe provides protection to the township of

Euphemia. We have the Thedford fire department, the Bosanquet fire department, Corunna, Alvinston, Brooke, Arkona and Clearwater. All of these are volunteer fire departments except Clearwater, which has, I believe, a full-time chief and one or two other members. Of course, Clearwater is under discussion now because of amalgamation with the city of Sarnia, so we are not sure what will happen to that force in the future.

In mentioning the figure of 10,000 people, some may have reservations with that number. I might suggest that if government cannot live with that number, possibly we could have a graduated percentage of grants given to, say, from 8,000 to 15,000 in population, but I think it is very important that the province sees fit to provide some assistance to these small communities.

An ounce of prevention is worth a pound of cure, and I think the province would likely recognize that whatever few dollars it can provide at this level, in these small communities which do not have the assessment base to do all things for all people, will be very well spent. As everyone knows, especially those who have come through municipal councils, the most efficient tax dollars are spent at the local level. I am sure the province would get dollar value if it can provide these funds.

I want to mention too that I think our former Solicitor General, the member for London South (Mrs E. J. Smith), has initiated programs and projects that are going to benefit in the long term, so I commend her for that. I am sure they will likely develop as time goes on and will help all of these small communities and firefighters.

We may not recognize that one of the things these small volunteer firemen do is restore some of our history in the old fire engines. I can think of one in the Forest fire department. They have restored, I believe, a 1926 Oldsmobile fire engine. Within the last week or two, it was over in the United States in a demonstration, because there are not very many of these types of fire engines around.

When it comes to the training course, my colleague mentioned there was a four-day fire prevention school in Lambton last year. These are very important to the firefighters. They bring them together and they can discuss their common problems. As I said earlier, because we do have the Chemical Valley in Lambton, it is very important to bring these people together and teach them some of the things they might expect if such a fire were to break out.



I think these training, fire prevention schools are very important, but I must add that they have had them in Gravenhurst for a number of years. I am sure a lot of the people would like to go there just to see that beautiful countryside up there. I have been to Gravenhurst myself a few times, and I know if I had the opportunity to go up and learn a bit and socialize a bit, I could not think of a nicer place to go.

There will be mixed emotions if we take out the Gravenhurst fire training school altogether for the people to go and visit and learn at, but I think we have to figure on the efficiencies of having schools closer to the fire departments and cut down on the mileage. As the member for Lanark-Renfrew said, they can then be with their families in the evening.

There are mixed things within this resolution. I believe the vast majority of suggestions here are to the benefit of the small municipalities. Back home it is said that I support them almost too strongly, but I have to feel that is a compliment, because I believe the towns and villages of Ontario and across Canada provide somewhat of a spice of life to our communities. They provide something that gives us all a little character throughout the country and throughout the province.

I certainly want to support in principle the resolution of the member for Lanark-Renfrew. Hopefully, some of these things he is suggesting can come to fruition and the government of the province will see fit to help in many ways in the future.

**Mr Dietsch:** Because time avails an opportunity to address this motion, I would like to pass a few comments on this very important motion. It is very important, because many small municipalities in Ontario have volunteer fire departments. Many volunteers dedicate a great deal of their own personal time to protect the lives, houses and buildings of ordinary people in communities in which they live.

There are, as my colleagues have pointed out, some areas of difficulty in the resolution, although I think the principle of the resolution is a very important one. It is very important from the viewpoint that municipalities under 10,000 do have difficulty in securing a very stable financial base, recognizing that the money that has to be spent on fire protection equipment is spread out. Many of these municipalities are generally rural in nature and have a very large land base to protect.

One of the points in the resolution that concerns me is the wording "unconditional

grants." I am sure the member will know that by being unconditional, they cannot be earmarked for particular areas of protection. That point concerns me, and I think one of the previous speakers brought that point to bear. If they are designated as conditional grants, earmarked specifically for firefighting equipment and training, I think it is an important aspect to take into consideration.

In my own riding of St Catharines-Brock, we are very fortunate in the smaller municipality I represent, the town of Niagara-on-the-Lake. It has a volunteer fire department. However, it does not fit into the smaller scale the member would suggest of a municipality with a population of less than 10,000. That concerns me, because the population happens to be 12,500.

I take very seriously the comments of the member for Lambton that perhaps it should be a sliding scale so it is fairer in dealing with the smaller municipalities, so that it takes into consideration the direct costs a smaller municipality which happens to be just outside the 10,000 guideline, like Niagara-on-the-Lake, would bear.

I would like to point out that Niagara-on-the-Lake is a fruit-growing community. The fruit industry is protected by a number of chemicals and by a number of reactionary chemicals that would have effect by fire; it is very important to take that into consideration, especially with respect to training, albeit Niagara-on-the-Lake has an excellent reputation at supporting its fire department. I know that, because I was a member of the municipal council for a number of years in that municipality and was in charge of the finance and administration committee, under which the fire departments report.

#### 1050

I think a very important aspect of the member's resolution is in addressing the training. I will support this motion in that I think it is the principle of the right way to go. However, I can honestly say that the government under the previous Solicitor General has done a number of very positive points towards fire protection, and I am sure the government will continue to address those points.

It is important to note that if we can develop within the context of this kind of resolution a sliding scale to protect the municipalities like the one I represent and others that fall just outside the guideline being suggested, I think it will be a more positive and direct benefit to those areas.

The principle of this resolution sets well for the member and his concern over the fire protection of the people of Ontario.



I have mixed reactions about suggesting regional training centres. In the area I represent they do have regional training, they have the opportunity to take advantage of the larger regional setting, and the professional firefighters from those areas share their experiences with the smaller municipalities that have the volunteer fire departments. I think that that kind of regional co-operation is a very important cooperation which we want to ensure continues. I know that the member, in his sincerity for this type of effort, really feels that this is the right way; that this is a step in the sequence of proper events.

I want to say that I sincerely support this resolution. I sincerely believe this resolution will create the ability to assist those smaller municipalities, which do not have that broad financial tax base.

With those few short comments, I want to compliment the member for bringing forward this resolution. I want to compliment my colleagues who have spoken in support of this resolution. My hope is that the government, in picking up this kind of resolution, will take the comments I and others have made in support of this resolution into serious consideration and will benefit not just those municipalities that are under 10,000 but those municipalities on a sliding scale that fall into that range.

**Mr Wiseman:** I would like to thank the members who spoke in favour of the resolution. I would just like to comment on the training the parliamentary assistant mentioned. Of the 4,600 who trained at Gravenhurst, it is my understanding that very few of those were volunteer fire people. My information on the training is not my own. It is from Mr McAllister, president of the Ontario Association of Fire Chiefs. That is the information he gave me and I am sure he is well familiar with it.

I would like to say how I arrived at the 10,000. Many of us know that the cutoff point for many of the provincial programs, where it is at a different level, is \$10,000. For instance, the Ministry of the Environment cut back its grants; you get more under \$10,000 than you do if you go over \$10,000. A lot of the other programs are geared that way. That is why I came up with the idea of municipalities, even though it seems I was just thinking of my own area, where they all fall into that category. But I was not; it was because of the cutoff point that government seems to have as a guideline.

As far as trying to get more training for hazardous waste is concerned, I understand the only one scheduled for Ontario is to be held at

Kingston, and only one. It takes 16 people; it would take a year and a half to get through the backlog for that training. This is the sort of thing I am asking the government to try to provide more of. As for the idea of providing more training in the region by the fire advisory services, it is doing a good job out there but there are just not enough people; a person, as I understand it, does not have the time to give as much training as he or she would like.

With respect to the grant system and how I arrived at it, as I did in the first resolution I brought through a few years ago, I tied it in similar to a police grant. Police, in areas where they do their own policing, get a police grant. It used to be per capita, and now the government, I understand, gives it per household. This is why I had tied that in. To me, it was a clean and easy way of providing money on a basis which is already set up.

The parliamentary assistant did mention grants and that grants were not cut back. I was just using Statscan figures on transfers to municipalities being cut back this year by \$823.1 million. That, as we all know, in whatever size of municipality we come to, means fewer dollars for them and more they have to pick up at the local level; it makes it more and more difficult for them to purchase fire equipment or some of the other badly needed equipment in the area.

I am pleased that all members this morning supported the resolution. I do hope the government sees fit to put some money into a program like this, for training as well as the purchase of fire equipment, so it encourages municipalities to go out and buy a pumper; showing that the government is supportive, the municipality is supportive and it would give great encouragement to our firefighters.

The \$20,000 that the former Solicitor General put up to study firefighting and the education of firefighters is good and is a step in the right direction. The new Solicitor General, I hope, will carry on and find the necessary money to support what we have talked about here this morning.

**The Acting Speaker:** The time allotted for this ballot item has expired.

**1100**

## MENTAL HEALTH

Ms Collins moved resolution 18:

That, in the opinion of this House, recognizing that the protection of individual liberty and wellbeing, within a framework of legal rights and protections, is, and shall continue to be, the goal



of Ontario's mental health policy; and, that the timely and appropriate treatment of acute mental illnesses, like schizophrenia and manic depression, is the only way to guarantee the liberty and wellbeing of those who suffer from such illnesses, and, that the failure to provide timely and appropriate treatment of acute mental illness causes enormous, but preventable human suffering, therefore, the government of Ontario should guarantee the right of treatment to all persons suffering from acute mental illness.

**The Acting Speaker (Mr M. C. Ray):** The member is reminded that she has up to 20 minutes for her presentation and may reserve any portion thereof.

**Ms Collins:** My resolution for an amendment to the Mental Health Act is necessary for the act to fully meet its objective, which is to protect the liberty and wellbeing of an individual within a framework of legal rights and protections. The broader protection for hundreds of thousands of individuals experiencing acute mental illnesses, like schizophrenia and manic depression, is being denied because the Mental Health Act is protecting the right of these individuals to refuse necessary treatment.

It is not the place of a legislator to stand and deny any single right or freedom to any one individual. That is not the intent or the objective of this resolution. It is our responsibility, however, to protect those who cannot protect themselves. Many schizophrenics do not understand that symptoms they are experiencing are due to illness, so they refuse treatment that could help them.

According to an Ontario group, the Friends of Schizophrenics, "schizophrenia renders its victims incompetent to protect their own wellbeing long before it renders them sufficiently ill to obtain involuntary hospitalization and treatment under the Mental Health Act." Friends of Schizophrenics states clearly that because of this, the Mental Health Act falls far short of adequately protecting the mental and physical safety of schizophrenics.

Too often, these individuals have been abandoned by the very law that is supposed to protect them. Instead of obtaining timely and appropriate treatment, they have been left to find their own solutions to their mental illness; and that often leads to starvation, suicide and aimless drifting to escape from something they clearly do not understand. Many wind up serving time in jail when they should be receiving treatment in a hospital.

Let me read this case in a recent newspaper column.

"Iris's son is back in jail again, so at least now she knows where he is at night. But the problem that put him there is still no closer to being treated today than it was five years ago when it first manifested.

"He is not a drug addict, not violent or dangerous to anyone but himself, but he does have a habit of running afoul of the law, she admits. Mostly it's because he can't help himself, and Iris laments, no one else is interested in helping him.

"Marty has schizophrenia, a biochemical breakdown of the brain that short-circuits emotions and logic. At age 16 he was arrested for sexual assault and despite treatment at places like Hincks Treatment Centre, his condition worsened. He started stealing cars, almost as if they were a metaphor to help him escape his desperate reality.

"Still, no one knew what was wrong, why he was so out of control, his mum recalls. He stole his second car at 18 and went to jail in Sackville, New Brunswick. Last summer, he broke into her apartment and stole \$400 in rent money and then stole another car and drove it to Vancouver where he was arrested and jailed another nine months.

"In the interim, Iris started looking for answers and found someone had made a diagnosis. Treatment, however, was a whole different story. 'Paranoid schizophrenic,' she says, 'but I can't get him into a hospital because they can't force him to accept treatment.' If he stays on his medication, she says, things might work out. But there's little hope he'll keep up the regimen of pills.

"'I went to his place in a rooming house the other day because I hadn't heard from him,' Iris sighs. 'He was lying on his bed, in the dark, his face painted black.'

"A brief hospital stay and he was released. It was not long before he was back in trouble, stealing another car and landing in Mimico Jail where he awaits trial. 'He does understand he broke the law,' she says, 'but putting him in jail doesn't solve anything. Unless he gets some help, he'll just do it again.'

As the article goes on to state, "Schizophrenia is a biochemical illness. You wouldn't lock up someone with a heart attack, so why do we punish the sick?"

The problem was recently described very well in the prestigious British science journal *Nature*:

"It must be confessed that the now standard treatment of schizophrenia is anything but



satisfactory even in the most advanced communities. The assumptions are that when the most disabling symptoms of the disease have been controlled by drugs, patients can be 'returned to the community' (one euphemism) for 'treatment in the community' (another). All too often, this entails that patients who would previously have spent years or whole lifetimes in psychiatric hospitals are decanted on to the streets to fend for themselves. Some with support from families and friends, can do so. (One haunting feature of schizophrenia is that those who suffer from it are paranoiacally alienated from their families, while their capacity for even ordinary friendship is diminished). Others cannot, or cannot manage all the time. They are the patients who are now the familiar informal residents of all major cities, sleeping rough in the neighbourhood of railway stations and other such places where aimlessness may be unremarked. The population of the psychiatrically derelict may be smaller than the former population of the psychiatric hospitals, but is none the less an offence against civility on that account."

Newspapers, magazines and the electronic media regularly chronicle the circumstance of many psychiatric patients who have either died or nearly died because the Mental Health Act allowed these patients to refuse necessary psychiatric treatment. It is estimated that every year 10 per cent of those who suffer from schizophrenia commit suicide. This means that in Ontario where approximately one per cent of the population is diagnosed schizophrenics, 9,430 people are potential suicide victims because we, as a society, have failed to recognize their need for treatment.

I want to tell this House about some of the victims of this deadly disease.

John, 22, walked down into the cold dank tunnel of St Clair Avenue subway station. In the darkness, he lay down on the subway tracks and waited until the train decapitated him.

Twenty-year-old Matthew plunged two ordinary dinner knives into his eyes and pounded his head on the floor until they pierced his brain.

At 25, Tim finally succeeded in killing himself after six attempts, when he hurled himself from the Bloor Street viaduct to the Don Valley Parkway below.

Abdel, 25, jumped from the roof of a Parkdale rooming house in full view of a schoolyard full of children.

Martin, 38, tied a shoelace around his neck and hanged himself from the rafters of a deserted warehouse.

Ralph, 22, repeatedly shot his mother because his voices convinced him she was a devil. When he saw that she was still moving, he slashed her throat.

Twenty-one-year-old Stephen shot himself to death.

These tragic events take place in every community across this province. This is reality. This is what we must seek to prevent. The flaw is obvious. The solution is the amendment I propose today.

The right of a patient to refuse appropriate treatment when treatment is clearly warranted is of growing concern to the medical community. That is because these individuals suffering schizophrenia are treated differently by the law because their illness is emotional rather than physical.

Let me give an example. If a person is lying unconscious with a broken leg, we do not wait for that person to regain consciousness before placing a cast on the leg. A cast is administered because a cast is necessary.

But legal wrangling over the right of a patient experiencing an acute mental illness too often becomes a tragic substitute for what should be appropriate medical treatment, when treatment is necessary.

#### 1110

Frequently, schizophrenics are hospitalized and found to be mentally incompetent but refuse treatment. Under the present law, patients are sometimes held involuntarily for months without treatment while the matter is considered by boards of review and ultimately by the courts. The difficulty does not lie at the review board level, where things generally progress in a timely fashion. Rather, the problem arises at the district court appeal level.

While appeals from treatment orders or findings of incompetence are pending, no treatment can be administered to the patient. This is the worst of all possible worlds. People are deprived of their liberty for extended periods of time and receive no treatment. Some patients have come close to death awaiting district court appeals.

It should be clear that I do not mean these suggestions to apply to all treatment, but only to those, like the administration of antipsychotic drugs to acutely ill schizophrenics, which promise significant short-term benefits, impose little risk of immediate harm and do not involve immediate, irreversible changes to the physical or mental being of the patient.



I believe we should permit the treatment to be imposed following authorization by the review board, even if a district court appeal is pending; or create a power in the district court, similar to that found in subsection 33f(1e) and subsection 33f(1i) of the act, to authorize involuntary treatment prior to the hearing of an appeal from a review board authorization of treatment.

It is time to place the value of a human life above legal point-making. It is time to recognize that the nature of the illness, schizophrenia, means those who suffer from it cannot always control their own minds. And it is time to stop making these individuals pay with their lives for a piece of legislation that is working against them, not for them.

Ontario Friends of Schizophrenics is calling for a new law to provide both timely short-term involuntary hospitalization and timely short-term voluntary treatment for acutely ill schizophrenics.

The Mental Health Act does not address the high risk of suicide among schizophrenics. Among those affected by schizophrenia, one in 10 will commit suicide. There are a number of areas in which reform might well help prevent suicide deaths.

First, create a class of high-risk schizophrenics who have at least once before attempted suicide. Amend section 29 of the Mental Health Act to permit all psychiatric facilities in the province to be automatically notified that a person is on the high-risk list, and provide for the rapid movement of clinical records for high-risk persons between psychiatric facilities. When such persons threaten suicide, they would be deemed to satisfy the tests under section 9 and section 14 of the act and could quickly be assessed, admitted and treated. Of course, it would be necessary to provide an appropriate process by which names could be expunged from the list, and information contained in files challenged and corrected or expunged if found to be inaccurate.

Second, provide for rapid access, through some kind of hotline facility, by different psychiatric facilities to one another's clinical records for schizophrenics who have been involuntarily hospitalized and treated in the past. Again, it would be necessary to provide an appropriate process by which information contained in files could be challenged and corrected or expunged if found to be inaccurate.

The present act views the world in black and white: Either a patient is voluntary and can leave a psychiatric facility at will, or is involuntary and cannot do so. Since the competence of individual

schizophrenics is both task-specific and variable over time, accordingly, the range of legal devices available to protect schizophrenics from their disease, and the community from schizophrenics, should be more flexible than they are now.

It should be possible to return a person who has been involuntarily hospitalized to the community without cancelling the involuntary hospitalization order so that patients can live independently in the community, under medical supervision, but be hospitalized quickly when illness strikes. Similarly, outpatient involuntary medical treatment orders should be made available, along with outpatient facilities for the administration of medicines.

The goal is to facilitate the earliest possible return of ill people to the community, while imposing the least restrictive limits on their liberty. We, as legislators, have the tools to help those who cannot help themselves. We have the will, and I ask members to join me in making that will a reality.

**The Acting Speaker:** Does the member wish to reserve all six minutes and 20 seconds?

**Ms Collins:** Yes, Mr Speaker, I would like to reserve all the time.

**Mr Reville:** The member for Wentworth East has produced a resolution that is well crafted, it is important, and it is opaque.

By opaque I mean that the resolution is written in code. Any member of this House, as a person of goodwill, could read this resolution and say, "Absolutely, without question, any humane society would approve of this resolution." For a member who has analysed the discourse on mental health, the response must be that this resolution requires extended and vigorous debate.

Now that I have heard the member speak to her resolution, I know she has told a story that is both true and terribly naïve. Do we agree, for instance, on what we mean when we say "individual liberty"? What are our definitions of "wellbeing"? What do legal rights and protections mean? Protection of whom—the person with the mental health problem, that person's family or our society as a whole?

In a sense, I wish the member had introduced amendments to the Mental Health Act; then I should have known what I was up against. What do we mean by treatment? Do we mean drugs? Do we mean incarceration? Do we mean a crummy boarding and lodging house with three meals of porridge a day? Do we mean wrapping someone in a cold wet sheet?



What does schizophrenia mean? June Beeby, who is here in the gallery, knows what it means. She is the executive director of the Ontario Friends of Schizophrenics. But there was the famous Rosenhan study that suggests schizophrenia means presenting yourself at a mental hospital and saying that you hear a voice that says, "Empty, hollow and thud." I recommend that no member try this experiment.

I know people who would never agree that the timely and appropriate treatment they received guaranteed their liberty and wellbeing. On the contrary, they would say they lost their liberty and did not achieve wellbeing. There are, after all, worse fates than sleeping rough. I do know people who are grateful for the treatment they received.

All of us receive calls and letters from people who are in despair about a loved one. The facts will vary, but the one message is clear. Our constituents are not being served by our system: Billy is breaking all of their windows at 3 in the morning; the police come and take Billy away, and in two hours Billy is back, and he is looking for another window to break.

I have a friend whose son, with horrifying regularity, attempts to kill himself in her kitchen. She cleans up the blood. She has given up wondering why the system does not come through for her son. She has a modest hope: her hope is simply that she will be able to keep cleaning up the blood. Her dread is that she will not be able to.

What is to be done? A tougher Mental Health Act? Outpatient committal? I think that is what the member is suggesting. Independence with a string tied around your neck? Should we build more mental hospitals? Should we dispense more drugs?

I offered a solution on 1 December 1987. It was called An Act to provide for Community Mental Health Services, sometimes called Bill 50. The main principle of this bill is that each person is entitled to receive services in the least restrictive setting, consistent with that person's needs and potential and abilities. That means, of course, lock people up as little as possible. Bill 50 calls for a system that would give each person the maximum opportunity to participate in the mainstream of community life. That is something that most people diagnosed as schizophrenic do not now have the opportunity to do.

1120

This bill talks about a decent place to live, money to live on and things to keep the mind alive. It is a good idea. Regrettably, there is

nowhere in the western world where this is a possibility, and that is too bad. Treatment has to be more than just a diagnosis, a passel of pills and 30 days on the ward. We cannot deal with mental illness as though it were something contained entirely within the person who we suspect has mental illness. We have to deal with the economic, social and, dare I say it, spiritual opportunities people need.

Too many people with mental illness are denied those opportunities because of the way our society works. Once we stick the label on somebody, the menu for opportunity shrinks. We have to expand that menu again. The Graham report, which is now about a year old, offers some hope in this regard. The report talks about comprehensive services, it talks about planning, it talks about co-ordination. It even, *mirabile dictu*, talks about Bill 50.

The government has now established some committees which I hope will implement the Graham report. The committees, as currently constituted, are flawed. There is still no consumer representation. By consumer, I mean a person who has had direct experience in the mental health system. That is too bad. Why would the government want to build failure into its solution?

I came to this place because I believe we can do better in the mental health field. I believe the answer lies not in a legalistic approach, not in making the Mental Health Act tougher, not in outpatient commitment. I believe the answer lies in finding ways that allow people to take back the power they have lost because of their mental health problem. I believe I am right because I got back most of the power I lost because of my mental health problem and it was not my treatment that helped me to do that.

**Mr Runciman:** I want to congratulate the member for Wentworth East on the intent, if not the rather obscure wording of her resolution. Given her position on the back benches of the government, I guess I can respect the effort she made in coming up with this opaque wording, as my colleague described it. I would use "obscure" as an accurate description of the wording. But listening to her comments this morning, I am reassured with respect to her intent.

A few years ago, when amendments to the Mental Health Act took place in this place, I was one of the few members opposed to those changes in terms of the restrictions on the ability to treat patients in psychiatric facilities. I recall speaking against it and I believe the member for Etobicoke-Humber (Mr Henderson) was the only



government member at that time to speak against it. That was back in the days when he was a rather independent soul. He seems to have moderated his views somewhat in the current situation.

In any event, I also had to give the minister of the day his due. I believe he had some rather serious reservations about the amendment and felt, given the minority situation and the pressures applied by the New Democratic Party and by the leadership of my party, that those amendments had to go forward. I disagreed and my leader at that time had some very real and genuine concerns about electroshock therapy. Of course the amendment that came into place was much broader than electroshock.

The subject the member has brought forward today is one of considerable interest and importance to me and my constituents because we have a large psychiatric facility. Many psychiatrists, psychologists, nurses and other staff have expressed concerns about the subject matter of this motion and some of the ramifications of the many amendments to the Mental Health Act.

To a person, they have expressed alarm at the delays now made legal before treatment can be started. They tell me that by the time some legal roadblocks are surmounted, a patient given medication would in all likelihood be well long before the legal procedures are completed and the patient discharged from hospital. The appeal procedures themselves can last up to a year.

Now we allow refusal of treatment despite medical advice that it is needed, and the attending physician has recourse to appeal to a review board. But if the board gives authority to treat, the patient can appeal to the court. I wonder what other jurisdictions have to protect patients' rights. What do they do with the patients who refuse treatment? Do they use review boards or do they put the patient back on the street? Is that starting here or should we be looking to the courts in the first place? The court could order certification and treatment given sufficient evidence of the need.

I am not suggesting that there should not be any appeal procedure, but I do suggest that the law is making it more and more difficult for a psychiatrist to practise their profession without having a lawyer looking over their shoulders. I am suggesting that the law, as it exists, is having a harmful effect on the practice of psychiatry in our provincial institutions and we will be lucky indeed if we do not have a crisis of a shortage of psychiatrists in the not-too-distant future.

There has been much comment concerning mental illness and legislation that is deemed

necessary to safeguard the rights of patients involuntarily committed to mental hospitals and psychiatric facilities. It now seems appropriate to look at current aspects of this matter in an attempt to clarify misconceptions that can arise as a result of frequent changes to the Mental Health Act, some of which seem to reflect on the care provided in Ontario institutions and the practice of medicine generally and psychiatry in particular.

Great progress has been made in the treatment of those with psychiatric disorders. Permanent control of schizophrenia can usually be achieved by drugs first introduced in 1955, and people with this illness can now live happily and function normally if they continue regular medication. This progress alone should generate more confidence in the care and attention patients receive. Certainly it proves the efficacy of drug therapy and doctors' skills at treating.

Parallel with the development of treatment, legal safeguards have improved to protect patients from unnecessary confinement against their will or from therapy which probably would benefit them but which they do not want. The decisions in these matters may be very complicated. The wishes of patients often conflict seriously with the interests and safety of others.

In the cause of justice, boards of review were appointed in 1968. These consist of experienced lawyers, psychiatrists, laymen and laywomen with special abilities. Their function is to arbitrate in such conflicts and to reach a decision deemed to be in the best interests of the patient.

The decision of the board used to be final, although there was always the right of appeal to the board again in a month. Now there has been added the right to appeal a board's decision to the county court. The value of this option may be questioned since the courts cannot readily deal with something that is essentially a clinical matter and often complicated by considerable urgency, and the member for Wentworth East discussed that in her comments.

Another additional safeguard has been the appointment of patient advocates. Their assignment increased the possibility of making treatment an adversarial matter rather than one reached by careful explanation of treatment by doctor and staff. Many hospitals' ombudsmen are also present and attend board of review hearings.

In general, it seems that patients most of all want to feel that the psychiatrists treating them are kindly and know their job. They do not want to find themselves in the middle of legal hassles.



Yet that is what is happening under the present law.

**1130**

We must keep in mind too that there is a serious shortage of psychiatrists in Canada today. This is not likely to improve if aspiring specialists in training spend more time fighting legal battles with well-intentioned human rights activists who have little understanding of what it feels like to be mentally ill.

It is paramount that people be treated with respect and justice as well as by capable staff. Competence, however, is difficult to legislate. Excessive preoccupation with legal considerations may obscure the very important issue, namely, the improvement of professional standards and availability of optimal care. It would be tragic if the main loser in the process is the mentally ill person.

I know it is not unusual for a patient to come before a review board, after refusing medication, on appeal by the psychiatrist treating him and to have the board order treatment. The board usually places a time limit on the administration of the medication and asks to see the patient at the end of that period, usually three to six months. Invariably, I am told, there is vast improvement in the patient's condition.

I understand this has been the case in 100 per cent of the appeals brought before review boards in the past 20 years outside of Toronto. Medication and ongoing medical care are accepted in time, resulting in a period of peace free from violence.

Yes, people with psychiatric disorders can be violent. Just ask any staff nurse or attendant in a psychiatric facility. Yet because of these laws governing treatment and the right to refuse, many of these people are not treated in time to prevent harm to themselves and others. Indeed, I would not be surprised if they were discharged from hospitals because they refused treatment.

It is not unusual for a mentally ill person to refuse to admit that he is ill and needs help. Who knows better—the lawyer, the psychiatrist or the advocate? I think it is time to consider the law and its effects on those who care for the mentally ill. They want to practise their professions, not law. They are interested in getting patients well as soon as possible.

Mr Speaker, if it is possible, I am going to leave these last few seconds to my colleague the member for Burlington South (Mr Jackson) in rotation.

**Mr Callahan:** I am pleased and honoured to rise to speak in support of my colleague's

motion. I have often thought that usually we all get elected to this Legislature for specific reasons, and if we can see something positive come out of our stint here, be it short or long, it makes it all worth while.

The difficulty we have in our society is that we have rights that are protected. That is fair enough, but in protecting those rights we may in fact be injuring not just the person we wish to protect, but some of the other people who are the extended loved ones of that person.

In this vein, I speak specifically of the schizophrenic. The schizophrenic is someone, in most cases, who can be assisted by the application of drugs or other types of therapy. Hand in hand with that is the difficulty that by the very nature of the disease itself, particularly if there is a degree of paranoia involved in it, the person believes either that the use of these techniques is in fact an effort to poison him or that the side-effects are part of the disease. Consequently, the individual is not able to take advantage of the benefits that science and experimentation are working hard to discover to slowly overcome this terrible disease.

We speak of rights, and there is no doubt that in the past mental illness has been treated with some rather medieval types of treatment which should have been abolished or certainly placed under significant check and control. But in the course of doing that, we left schizophrenics and we left, as important as schizophrenics themselves, their families, their loved ones, the people who cared, who in the middle of the night found them breaking up the chair with an axe or pounding down a door because they had been allowed to come home, because the parents loved them. What have we done for those people? We have done nothing.

I can remember during the Bill 7 hearings a middle-aged woman, who was sitting in the front of the audience and was a witness in those hearings, summoning me over and asking me, "What are you going to do to help me to help my loved one?" I knew full well what she was speaking of, because it is an unusual fact of life that one in every 100 people, according to the statistics, is schizophrenic.

I happen to know five families, personal friends of mine, whose children are schizophrenics. I have watched them. I have watched the heart-rending agony that they have gone through in terms of trying to look after, to follow, those loved ones.

We as legislators and we as civil libertarians, instead of assisting this reunification and allow-



ing these people to exercise the love that they show to these sick children of theirs, have in fact interrupted it in the guise of civil liberties.

I suggest that it is going to be a difficult task to come up with legislation to try to deal with this specific situation, but we cannot lump schizophrenia in the same situation as other mental illnesses. There are in fact cures. There are greater investigations being done that are resulting in the finding of why someone has schizophrenia, predicting perhaps that it is genetic because of the findings of certain chromosomal aberrations.

There is another area that I think is required, and I think it is certainly not within the course of this resolution, nor could it be because it requires the expenditure of funds. When one looks at the—I do not want to use the words “classy” or “high-profile”—diseases such as muscular dystrophy or cancer, one sees such sums of money as \$100 and \$300 per patient being invested in trying to find a cure. In the question of schizophrenia and the search for a cure, there is \$4 per patient.

Is that because one is a high-profile disease that all of us might face and we do not believe it will ever happen to our loved ones that they will be struck down by schizophrenia, or is it a difficulty that health givers are able to accept that they lumped every mental illness together?

I suggest there is a very real need for increased funding to look into a cure for this very devastating disease. In fact, it is like the old commercial where the fellow in the auto shop says, “You can pay me now or pay me later.” If one wants to approach it simply from the sheer economic side of it, these people are in our courts every day.

I spent 25 years practising criminal law and I would say that I saw thousands of these people who were involved in criminal activities who were simply involved in them because they were sick, and we dealt with them as if they were criminals. Surely the effects and the benefits to society are mega and we should be pursuing it.

To return to the nature of the resolution, I am sure that if we came in with a bill that denied certain rights to schizophrenics—namely, that they could be involuntarily hospitalized, that they could be required to take the medication that will in fact give them assistance, albeit on a short-term basis, and then perhaps be released to society on some form of a certificate where they would be followed up and it would be ensured that they took their medication—society would certainly be benefited, the schizophrenic would

certainly be benefited, and so would the families of those schizophrenics who cry out in agony.

I am sure anybody in this House who has seen the parents of a person who suffers from schizophrenia, a person whom they have tried to bring back into their home and suddenly is abandoned to the streets—if the members could see the agony in their eyes and they could see the agony in their hearts and the desperation with which they try to overcome this problem, this Legislature would be sprung into action to use the finest legal minds to find a bill that could be presented to the House because, in fact, it has to be resolved. It is as simple as that.

If we do not do it, we are going to have people wandering the streets of Toronto and even of small towns and areas and people will look at them and laugh and say they are strange. Those people are not strange. Those people are human beings who were children of loving parents who tried their best—and still try, many of them—to keep them and follow them and help them.

**1140**

We are not giving them any help in doing that, when you figure that in order to have a police officer take a person for help it has to be shown that he is a danger to himself or to the public. Schizophrenics perhaps do not display that, and even if they do, when they get to the facility, if they are given medication, they come back around, in most cases, to being perfectly rational people.

I suggest that schizophrenics have to be dealt with in a very different way. If we do not do that, I suggest, then our humanity in deinstitutionalizing people such as these does not put us on any higher standard and what we are doing is abandoning these people to wander aimlessly through our cities, to sleep on the street, to have no life whatsoever, until perhaps it gets so bad that they try to jump off the Gardiner Expressway. Maybe they do not kill themselves the first time. They try again and then they do kill themselves.

Think of the parents who lie awake at home at night worrying about these loved ones wandering the streets with no help, wondering what they can do or following them through the prison system and trying to help them, finding that these people whom they love cannot be saved.

If we, as legislators, simply say “Civil liberties prevent us from doing this; the Charter of Rights prevents us from doing this,” we are not going to make it easier and perhaps more efficacious to have a person treated in a hospital. Most people take their children to an emergency service at



night when these things happen. The difficulty of getting into a hospital or getting treatment because of the existing mental health regulations in dealing with schizophrenics just puts them through an entire maze. They walk away frustrated, they walk away hurt, they walk away injured.

I think the purpose of government is to help our citizens and to make certain that families themselves can retrieve their loved ones, so I urge everyone, as a starter, to support my colleague's resolution, and hopefully we will be able to bring forth amendments that will help these unfortunate people.

**Mr Jackson:** I am very pleased and honoured to be able to provide some brief comments on this private member's bill.

I think it is important that we put on the record that from time to time we, as politicians in public life, are privy to opportunities to sit and listen to our constituents, to calm ourselves and to try to identify with and understand some of the concerns they present to us in our constituency offices or over the phone.

I think there is no more significant problem that has been presented to probably each and every one of us than the problem that families and individuals are going through in order to achieve mental health, that which we all seek. We hope that throughout life we will be able to have that balance.

First of all, we know that mental health is something that is very badly misunderstood by the public. It lends itself to a great misunderstanding of the real human need and the tragedy that exists right in front of us in all our communities. So, when one of the members of this House has taken the necessary time to sensitize herself to this issue and to understand it that well, it is a moment that is worthy of note.

I, for one, wish to commend the member for Wentworth East, not only because of the bill but also because I am aware of the growth in her understanding of this issue. When she had just been elected, she and I and a member of the New Democratic Party attended a debate. It was apparent during the course of that debate that she was openly expressing an interest in learning more about this subject. I think it is fair to say that she is deserving of much of our appreciation in a nonpartisan spirit in terms of her advancing this issue. All three political parties at one time or another have expressed support for this motion, but she has brought it forward, and for that I commend her.

I want to talk briefly about the bill in the sense that it deals with the acute forms of mental dysfunction. It talks about schizophrenia, which we know is an episodic disease. It is not chronic in nature in that it is persistent over a long period of time. We know that a person with schizophrenia takes medication in an effort to control the worst symptoms, which range from nightmarish hallucinations to auditory signals. One definition of a person with schizophrenia talks about living in a form of twilight zone. Unless you meet a person who suffers from this disease, you do not get a clear impression as to how tragic this disease really can be, not only for the individual but for members of his family.

These psychotic episodes they go through can ultimately result in increased animosity, in violence, in the taking of one's life. There have been many cases reported in the media where there has been loss of life and suicide associated with this disease. Invariably, it deals with the larger picture of the other issues: the lack of treatment that was made available; the lack of hospitalization; in fact, cases where a hospital has actually taken an individual and advanced him to the front door and said, "Look, we want you out of here," and within 48 hours—we had a case of this in my community—the individual has taken his life.

It strikes me that if we are the sensitive and caring society that we all strive to be when we make laws in this Legislature, in fact we have to understand the nature of this mental disorder in order to be able to create the laws that are sensitive and reflect not only the balance between their civil rights but also the state's responsibility to assist them to receive the necessary treatment to help pull them out from this psychotic nightmare.

Unfortunately, the public seems to think that most of these individuals are characters from TV shows that deal with strange and violent behaviour. People do not tend to try to understand the very unique nature of and our ability to deal with persons with schizophrenia.

And it is not just the public. If we look at some of the reports that have been presented to all members of this House, we see evidence that doctors and the police and the judiciary are struggling to get a clearer understanding and a more sensitive approach to dealing with this issue.

In a recent report by the Ontario Friends of Schizophrenics organization, we were brought to a section of its report:



"Similar problems are encountered when trying to persuade a justice of the peace to issue an order pursuant to section 10 of the Mental Health Act for the assessment," which is the prerequisite of any treatment for a person suffering from schizophrenia. It also goes on to say that police officers have the power under section 11 of the act "where it would be dangerous to proceed under section 10," which is to proceed to advance an individual to a treatment centre for an assessment. Therefore, the police are unwilling to take these individuals into custody and they are unwilling to take them physically to a place for an assessment.

Whether or not they get a proper assessment when they get there is a matter for the Ministry of Health and I do not wish to deal with that in the remaining time, but I do believe that this whole issue of the sensitivity of our police force and its co-ordination with our courts is a matter that has to be enhanced in understanding and supported with education and the necessary funding. The amendments to the legislation are required, and quickly, in order for that to happen.

I say that because the consequence of that, as the member for Brampton South (Mr Callahan) clearly and eloquently expressed with respect to the nature of the breakdown and also the needs for these families to have their needs met, is that they are left to cope with these situations, which, quite frankly, are also creating mental health dysfunction within that family.

If there is anything we have witnessed, it is that the families themselves start to fall into feelings of helplessness and desperation about society and our government in its inability to help their loved ones and the family. I, for one, as have several members of this House, have become quite involved in the mental health support programs in this province for that very reason, because there is not sufficient support.

**1150**

I would commend the member for this outstanding resolution and would commend the government, once it is passed in another 12 minutes, to ensure that we in fact take this resolution and guidance which it so clearly demonstrated and make sure that the government acts and reacts. I have been pleading with this government, as members are aware, through the standing committee on social development, of which I am a member, to make this a high priority and to get the definitions of competence clearly determined and established so that we can set in the necessary amendments to the Mental Health Act and other acts, in order that we now can have

a system and laws in this province which reflect the intent of this resolution.

I want to take a brief moment also to talk about the fact that here in Ontario, at least, we should not focus only on the acute needs of mental health. In fact, there is growing evidence that there is an increased incidence of mental health dysfunction among a greater number of our citizens, which may have to do with the fact that women in our society increasingly are being subjected to occasions of violence against them, so that they are suffering as a result of these kinds of abuses. Those abuses also can mean something in terms of their ability to lead their lives with dignity and respect. We must have a commitment from this government if we are to help women in society to cope better with the kinds of modern-day pressures they have been subjected to.

Until we make a complete and total commitment to understanding the mental health needs of this province, whether it is with sufficient counselling support for women who are victims of violence against them and that commitment is to ensure that they have sufficient funding for appropriate day care, so that the needs of their children are adequately met, we will be unable to give real meaning and teeth to this legislation.

**Ms Collins:** I want to start by sincerely thanking all the members for their participation in the debate on this resolution. I would like to express my appreciation to the member for Leeds-Grenville (Mr Runciman), the member for Burlington South and the member for Brampton South for their very strong words of support.

I know that the member for Riverdale (Mr Reville) feels very strongly about this subject. He has asked a number of questions and I think I already responded to most of them in my opening remarks. I hope to respond to some of them in the time I have remaining.

I would like to mention what this government has been doing in regard to community mental health over the last couple of years. In August 1987 the Premier (Mr Peterson) announced that the number of clients served by community mental health programs would be doubled and funding increased to \$130 million by 1990-91. Estimated spending on community health programs for 1988-89, based on printed estimates, is \$85.7 million, up from \$68.9 million the previous year.

As of 30 September 1988, community mental health programs numbered 337. The Ministry of Health's goal is to have a comprehensive community mental health system in place by



1991, ensuring wide access to programs such as supportive housing, counselling services and social rehabilitation programs. As mentioned already by the member for Riverdale, in order to develop an action plan for this expansion, the Minister of Health (Mrs Caplan) appointed the Graham committee, the Provincial Community Mental Health Committee, in September 1987 to develop a model for a comprehensive community mental health program.

The committee, composed of mental health care providers and mental health planners, reviewed 157 written submissions, heard 125 presentations from district health councils, community mental health programs, interest groups and concerned parties at hearings in Thunder Bay, Cornwall, Toronto, Chatham, Oshawa and Sudbury.

The report's first two recommendations set out broad goals and principles for mental health policy in Ontario, including a comprehensive and accessible system with an emphasis on community-based support for individuals and families that must cope with serious or prolonged mental illness and an integration of services provided by health professionals, community agencies, general hospitals and psychiatric hospitals. The report also stresses the need for co-operation among local, regional and provincial programs and the importance of integrating existing informal support systems such as family and friends.

Further, the government established the Weisstub inquiry in 1988 to determine standards for defining competence under the Mental Health Act. The original mandate was to expand to cover medical patients, the elderly and the developmentally handicapped. The inquiry covers competence to consent to treatment, to gain access to or authorize disclosure of medical records, to appoint a personal representative and to manage personal affairs. I commend the government on all of these initiatives, but all these millions of dollars of taxpayers' money, all the hours of hearings and inquiries, all the good intentions in the world will not help the schizophrenic patient who refuses treatment.

These people have a right to be treated for the illness which afflicts them. Both the patient and the family have a right to a quick and expedient

appeal process. Finally, we need to increase our support of research into this and other disorders of the brain, as already mentioned by the member for Brampton South. We know far too little, and this disease costs far too much, to not look for answers.

In fact, according to Statistics Canada, in 1982-83 schizophrenic psychosis accounted for the second-largest total of hospital patient days in the country, even surpassing cancer. I want to remind members again of the human costs associated with this disease. We must not forget the anguish suffered by the families of schizophrenics. Just think of the frustration and heartbreak of watching a loved one gradually creep into an acute episode of this disease. It is now unanimously agreed that institutionalization is the option of last resort for the mentally ill.

For this reason, an explicit goal of mental health legislation, perhaps written into the legislation in the form of an interpretative principle, ought to be the fostering and protection of family and other community ties as well as the fostering and protection of therapeutic relationships. Recognition of the right to receive treatment for a debilitating mental illness should be written into the Mental Health Act as an interpretative principle. We, as legislators, cannot cure this illness. What we can do is provide the atmosphere for humane treatment for every individual in this province.

**The Speaker:** That completes the allotted time for debate and discussion on ballot item 15 and ballot item 16. As it is so close to 12 o'clock, I presume the members will be in agreement to place the motions.

#### FIREFIGHTING

**The Speaker:** Mr Wiseman has moved resolution 17.

Motion agreed to.

#### MENTAL HEALTH

**The Speaker:** Ms Collins has moved resolution 18.

Motion agreed to.

The House recessed at 1200.

## AFTERNOON SITTING

The House resumed at 1330.

### VISITORS

**The Speaker:** Just before I call the first order of business, I would ask all members of the assembly to recognize in the Speaker's gallery the ambassador of Peru to Canada, His Excellency Jorge Gordillo Barreto. Also, we have the consul general of Peru in Toronto, Jorge Chavez. Welcome.

### MEMBERS' STATEMENTS

#### ENERGY EFFICIENCY

**Mr Charlton:** Today, the member for York South (Mr B. Rae), our leader, and I released a study on electrical energy efficiency opportunities for Ontario. In a few moments I will be sending a copy to the minister and to the critic for the third party.

The study documents the opportunities for electrical energy efficiency in three small samples: one in the residential sector, one in the commercial sector and one in the industrial sector, including costs and the potential savings both to consumers and to Ontario Hydro from those electrical energy efficiency measures.

The findings of our study, which was commissioned for the New Democratic Party caucus, found that 5,300 megawatts of energy potential can be saved in very short order in Ontario at costs far below the costs of the next increment of supply, which would be the next nuclear plant in Ontario.

Not only did we find that we could save 5,300 megawatts, which represents about 1.5 nuclear plants, but we found that the savings documented in this study are only a very small portion of those that potentially Ontario could find.

#### MUNICIPAL FUNDING

**Mr Wiseman:** Today I wish to bring to the attention of the House the latest of many horror stories about this open and responsive government. For the last three weeks, my office has been trying to arrange an appointment with the Ministry of the Environment for members of the town council of Smiths Falls. We have been met with evasions and we have been ignored.

The town of Smiths Falls wants to build a badly needed sewage plant. The ministry wants it to build this plant, but the plant will cost \$10 million, of which the ministry will pay 29 per

cent. The ministry somehow feels this is generous, and it leaves only a little over \$7 million for a town of less than 10,000 people to pay themselves. The people, understandably, think this is too high.

Statistics Canada tells us that provincial transfer payments to local governments have decreased this year by \$823 million, leaving Smiths Falls with several other financial burdens as well. So it decided to sit down with the minister and have a reasonable and forthright discussion to see if a solution could be reached, but the minister is hiding, at first behind his staff and now with evasions and doubletalk.

I see nothing unnatural in my constituents' request. Why is the minister afraid and why will he not talk to the people of Ontario?

#### RETAIL SALES TAX

**Mr Tatham:** "There went out a decree from Caesar Augustus, that all the world should be taxed."

Who are the present sales tax collectors? People such as mill supply houses, selling products such as cutting tools and saws. At the present time a supplier selling saws must charge eight per cent federal sales and then eight per cent provincial sales tax. One supplier makes a daily accounting of taxes collected and makes a monthly remittance to the federal and provincial governments. One supplier told me that at least 10 per cent of his accounting time was spent on sales tax accounting.

If the mill supplier is selling to an industrial customer, that customer may provide a tax exemption from the eight per cent federal sales tax and the eight per cent provincial sales tax. Some material may be eligible for both federal and provincial sales tax exemption; some for one tax and some for another. Some materials like work gloves are specifically federally exempt. It is up to the buyer to stamp a purchase order tax exempt. If so, the supplier sells the article, less taxes, and any disagreement on the exemption is sorted out between the purchaser and the government. Confusing?

By the way, some items like nails pay eight per cent and light bulbs pay 13.5 per cent federal sales tax. Think of the time allocating exemptions, line by line, on an invoice. I wonder how the economy will perform under the new federal tax regime.



"And all went to be taxed, every one into his own city."

### SEVERANCE PAY

**Mr Mackenzie:** On 3 March 1987, the 57 employees of Premium Plastics in Richmond Hill approached me over their difficulties with employment standards and getting severance pay as a result of the closure of their plant in 1985.

On 4 April 1987, an order to pay was issued. On 6 May 1987, the company paid to the employment standards branch in trust \$214,362.23. On 14 May 1987, the company appealed the order. To this date, 13 July 1989, the workers have never received what belongs to them, in spite of 42 months of total frustration.

After many months of trying to get the minister to appoint an arbitrator to finally resolve this matter, the Minister of Labour (Mr Sorbara) in a letter dated 16 June 1989 now says he can neither meet with the company nor appoint an arbitrator as the matter is before the courts due to the company's appeal.

The Minister of Industry, Trade and Technology (Mr Kwinter) boasts in this House that he is an advocate of business and meets with its representatives regularly. Who is the advocate for the workers?

Whether it is garbage, breaking a social contract like Bill 162 or the simple justice of severance pay owed, the power of the corporations and developers with this Liberal government is painfully obvious. Where is the voice and the advocate for the ordinary workers who are owed this kind of money and are not getting it 42 months later?

### MUNICIPAL FUNDING

**Mr Harris:** I was interested to read Statistics Canada's independent finding that, in the current fiscal year, transfers from the Ontario Liberal government to local governments in the province have been reduced by \$823.1 million this year.

By comparison, I note that transfers from the federal government to this clumsy and scandal-ridden administration grew by \$355 million or nearly seven per cent, an increase well above the projected inflation rate. Small wonder this government's laments about what it likes to call federal offloading ring a bit hollow. While they get \$355 million more from the federal government, they give \$823 million less to the municipalities. The worst case of offloading, then, is at the provincial-municipal level, where the provincial government, in a transparent effort

at newspeak, likes to refer to it as the "local option."

Since this government took office, we have had to live with three massive tax grabs in five years. As a consequence, Ontario taxpayers will contribute twice as much to the Treasury this year as they did in 1984-85, an increase of \$15.2 billion.

Where does all the money go? Some of it, we know, goes to an unworkable rent review system, some of it is spent on a disastrous misadventure in insurance regulation or is frittered away by the Ministry of Skills Development, which has yet to prove it can successfully deliver a single program. A lot of it goes down the drain—

**The Speaker:** Thank you. The member's time has expired.

1340

### FOOD INDUSTRY

**Mr D. R. Cooke:** Right from the beginning of the free trade negotiations all members of the standing committee on finance and economic affairs—all three parties—insisted that the US countervail laws had to be controlled in any free trade agreement with that country. By October 1986, the Prime Minister assured us that this would happen. By October 1987, we all realized that the Prime Minister had fooled us.

Nevertheless, some corporate leaders insisted that the free trade deal was advantageous to them. Now, to the chagrin of J. M. Schneider and Hoffman Meats, the US Federal Trade Commission has substantiated a countervail application against Canadian pork sales that, if the politically controlled Department of Commerce decides that in its view we have government subsidies, will result in reduced sales to that country, surplus hogs in our market and potential layoffs at Schneider's and Hoffman's.

The US Department of Commerce has until this coming Monday to rule on this subsidy issue and whether or not we, in its view, subsidize pork marketing. I can only fear the worst.

Tomorrow, another food processing plant in my area will be closing. Tend-R-Flesh, a chicken processing plant, will shut its doors. I was there yesterday talking to some of the workers. Many of them have been there more than 20 years; many of them are not able to speak English very well, and the transition is extremely difficult.

### MUNICIPAL FUNDING

**Mr Harris:** I would be glad to talk a little bit more about the fiscal irresponsibility of this



government and the Treasurer (Mr R. F. Nixon). My constituents find it absolutely astounding that Michael Wilson is able to find a seven per cent increase to transfer to Ontario, given the massive debt problems the federal government has and given the fact that its own program spending only goes up 3.5 per cent. It is far less than inflation. They do not understand where he can possibly find the money to give this province.

Second, they do not understand why, when the federal government gives the province seven per cent, the province has to cut transfers to the municipalities.

Interjections.

**The Speaker:** Order. It would be much better if one member spoke at a time.

**Mr Morin:** I would like to request unanimous consent to make a statement concerning Bastille Day.

**The Speaker:** Is there unanimous consent?

Agreed to.

## BASTILLE DAY

### PRISE DE LA BASTILLE

**Mr Morin:** I rise today, on behalf of the government of Ontario, to acknowledge a day of importance for the people of France.

Comme tous les députés le savent, les Français célébreront demain le jour de la Bastille. Le 14 juillet 1789, la Bastille a été prise d'assaut par le peuple de Paris qui prenait ainsi la voie de la démocratie.

Cette année marque le bicentenaire de la Révolution française. Dans toute la France, des événements spéciaux auront lieu pour marquer cet anniversaire spécial. Cette journée revêt aussi un sens particulier pour nous tous qui regarderont ceux et celles qui ont lutté, pendant de nombreuses années, contre l'oppression et pour la justice.

Alors qu'un des plus importants pays démocratiques du monde célèbre les principes de liberté et d'indépendance, cet événement nous donne une occasion de penser à ceux et celles qui luttent encore pour ces principes.

En France, il y a deux cents ans, ce cri : « Liberté, Égalité, Fraternité » était un cri de ralliement. Aujourd'hui, ce sont des objectifs que l'on cherche toujours à atteindre et ce, partout dans le monde.

I know that all members of the House join with me in sending felicitations to the people of France on this special day.

**Mr B. Rae:** I could hardly let the 200th anniversary of the French Revolution pass

without saying a few words. The history of the world was changed dramatically with the events in France and set in motion the meetings that took place on 14 July, the storming of the Bastille on 14 July 1789.

Whatever the historical controversies that may surround the events that led up to the Revolution and to the years following 1789, the fact that many people died and were killed, indeed executed, in the course of that Revolution, there can be no question that France gave the world not only many important political traditions and ideas but also a certain spirit of democracy, and that indeed the history of the world is different because of the events that took place: the extraordinary flowering of ideas, of popular movements of people demonstrating in the streets and of groups of all kinds suddenly becoming politically articulate, who for centuries had not been allowed to speak up or speak out.

It led to a transformation of economic and social relationships between people. Of course, in the heyday of the Revolution, they even tried to change the calendar. They changed the whole way in which the world was described. Many of those things did not last. But some things did last, and above all, the values which have been described by my colleague the member for Carleton East (Mr Morin). The values of liberty, equality and fraternity have remained central to the democratic idea wherever that idea is held to be important. I might add that there are some days when we even think they might come here, but we have to continue to struggle for those days.

De toutes les traditions qui nous sont connues en Chambre, peut-être que demain, quand nous célébrerons, avec tous les Français en France et ailleurs, les événements énormément historiques du 14 juillet 1789, la Révolution française, certainement nous serons aussi conscients des événements qui se sont produits au cours de la Révolution qui, sur le plan historique, demeureront controversés.

Par exemple, nous savons très bien que beaucoup de gens ont été tués ou exécutés pendant la Révolution, mais nous savons aussi que c'est vers la fin de la journée du 14 juillet 1789 que les choses les plus importantes se sont produites, c'est-à-dire : la valeur de liberté ; l'égalité – soit, la valeur du sens que tous les gens sont égaux, qu'ils ont des droits égaux en tant que citoyens et des droits politiques ; et la valeur la plus importante, peut-être, dont nous comprenons encore très bien l'importance : la fraternité.



C'est ce sens de fraternité que nous partageons – la réalité des expériences partagées, en tant qu'êtres humains, et le fait de partager en solidarité notre condition humaine.

Même si nous ne pouvons pas changer les difficultés éprouvées par l'humanité, des difficultés qui sont les conséquences de la vie, nous pouvons tout de même célébrer ce que nous avons en commun, soit la solidarité humaine. C'est peut-être le plus important.

En célébrant cette journée avec la population de la France – nous savons que certains de nos collègues de la Chambre sont maintenant à Paris, représentant, naturellement, tous nos partis à ces célébrations – je voulais dire tout simplement : Vive la France ! Vive la fraternité ! Vive l'égalité ! Vive la liberté !

**Mrs Marland:** I take pleasure in rising today on behalf of the Progressive Conservative caucus to recognize 14 July, Bastille Day. The year 1989 represents an enormously significant anniversary for France, for it marks the 200th anniversary of the storming of the Bastille, a crucial event in the French Revolution.

The events of 1789 marked a watershed in the history of the western world. The struggle by the French to achieve democratic rule was an inspiration to all freedom-loving people. The storming of the Bastille on 14 July 1789 represents a historic blow to the forces of totalitarianism.

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It is appropriate that we celebrate the 200th anniversary of the French Revolution at the same time that significant breakthroughs are being made in securing the freedom of the world's people. In eastern Europe and elsewhere, totalitarian governments are falling victim to their own illegitimacy. Openness and reform are the watchwords of this new era, and liberty, equality and fraternity are the underlying principles.

We join the people of France in marking this significant anniversary and we hope that today's freedom fighters will find inspiration in the brave actions of those who stormed the Bastille and changed the world.

## ORAL QUESTIONS

### WORKERS' COMPENSATION

**Mr B. Rae:** I have a question for the Minister of Labour. He will, I hope, recognize that the decisions that have been taken by his government with respect to closure have in fact transformed the nature of our democracy in this House. He will know—I hope he knows—that for the first

time in our history in this Legislature, the government is not only moving closure on a bill which has been discussed in the Legislature, it is moving closure on amendments presented by the government which have never been discussed by anybody.

How does the Minister of Labour feel about the fact that for the very first time in our history, his government is asking us to consider amendments to the Workers' Compensation Act which have never been discussed by any Legislature, by any legislative body or by any committee of this House, ever?

**Hon Mr Sorbara:** Let's make a few corrections, first. The Leader of the Opposition suggests that the government is moving closure. Obviously, that is not the case. What it is doing and what I see in Orders and Notices and what I have just had an opportunity to read is a time allocation motion which provides a certain number of legislative days to discuss the very amendments he has talked about.

Let me make one other point, if I may. The amendments the Leader of the Opposition is referring to have been on the record for at least two and a half months now. They were part of a document submitted to the standing committee on resources development when it began clause-by-clause consideration of Bill 162.

The final point to make is that were it not for procedural motion after procedural motion put to that committee by the member for Sudbury East (Miss Martel), that committee would have had ample time to discuss the very amendments he is talking about.

**Mr B. Rae:** The fact of the matter is that we have checked as best we can, and we have checked with the clerks at the table, for any precedents in this province for a government moving closure—or moving time allocation; whatever the minister wants to call it—on amendments which have never, ever been presented to the House or to any committee, and we could find no such precedent in the history of this province.

We are talking about amendments which the minister discussed in general in January and then moved in some detail at the end of May, a five-month gap during which there was no presentation by him of many of these substantive amendments. We are dealing here with amendments to the law, which will have an effect on hundreds of thousands of potential claimants to the Workers' Compensation Board, which have never been considered by this Legislature or by the committee.



**The Speaker:** And the question?

**Mr B. Rae:** Can the minister tell us what precedent there is in this province for this kind of a step by his government?

**Hon Mr Sorbara:** It is passing strange for the Leader of the Opposition to suggest in this Legislature that he is at all interested in ever debating these amendments. When Bill 162 was introduced into this House in June of last year, it was shortly thereafter that the Leader of the Opposition and the critic for workers' compensation in the New Democratic Party vowed that they would do everything possible to stop the bill.

So I repeat, it is passing strange that the Leader of the Opposition now suggests with his question that he and presumably the member for Sudbury East and other members of his party would like an opportunity to debate these amendments. If he would only read the notice of motion in Orders and Notices, he would see that time has been allotted to discuss those very amendments.

**Mr B. Rae:** I asked the minister whether he could point to any other time in our history, and he did not answer that question. I would like to ask him this question: Can the minister point to any other Minister of Labour since 1914 who has brought in amendments to the Workers' Compensation Act which, as a package, have been opposed by the very people they are supposed to be helping?

**Hon Mr Sorbara:** Let me very briefly answer the first supplementary, first. I do not profess to be a student of parliamentary rules and procedures, but I understand that the notice of motion on the order paper is in entire accordance with history and precedent in parliamentary democracies that use the type of rules we do.

As to his question on whether I can point to a precedent among my predecessor ministers of Labour—

**Mr Reville:** There were some pretty terrible ones.

**Hon Mr Sorbara:** Let me just say to my friend the member for Riverdale (Mr Reville) that the debate on Bill 162 really represents a competition. There are those who believe as a matter of social contract, as the member described a few days ago, that when a worker suffers a permanent injury that worker should have a permanent lifetime pension. That is the policy espoused by his party. I understand that position. As a matter of public policy, it is a defensible position.

The philosophy and the principles underlying Bill 162 are that when a worker suffers a

permanent injury—Mr Speaker, I know I am taking a little time on this, but I think it is worth putting before the House—the compensation provided to him should include an award—

**The Speaker:** Thank you. Order.

#### WASTE MANAGEMENT

**Mr B. Rae:** In the absence of the Premier (Mr Peterson), I would like to go to the Deputy Premier. It concerns the basic policy question of the handling of the garbage crisis, the way the government has handled it and the various vehicles it has chosen to handle it with.

Just a short five and a half years ago, when the Deputy Premier was in opposition, he was commenting in this House during a debate on regional governments. He had this to say:

"They are overlarge, overexpensive, remote and insensitive. They have the same problems as the government of Ontario has because it is necessary for them to hire masses of public servants, nameless and faceless bureaucrats who administer policies usually initiated by themselves but in the name of elected officials."

That is the comment the Deputy Premier had to make about regional government. We are handling this garbage crisis—

**The Speaker:** The question.

**Mr B. Rae:** —not with one regional government but with several, controlled, if you will—or co-ordinated, to use a more neutral term—by a bureaucracy established by his government.

**The Speaker:** Do you have a question?

**Mr B. Rae:** Does the Deputy Premier not feel that the same problems he identified so acutely back those five and a half years ago apply in spades to the greater Toronto area model which the government is imposing on the people now?

**Hon R. F. Nixon:** No. I think the essential change that may have escaped the Leader of the Opposition is the sensitivity and capability of the central provincial government dealing with these regions.

**The Speaker:** Would there be a supplementary?

**Mr B. Rae:** Yes, I think there would be. The minister's colleague who is now the Minister of the Environment (Mr Bradley)—he is not here today, but I thought I would just mention it—in a similar debate just a couple of years earlier had this to say: "Regional government is not close enough to the people and it lacks financial accountability."



I want to ask the Deputy Premier: Back in March when the Premier was at the great press conference with all the regional chairmen to discuss this new plan they were presenting, the third aspect of this plan—to use that term in its loosest possible form—is that “a new GTA area agency would be established to create and control the overarching waste management system.” That is a quote from the document. It has now been several months since March. There is a feeling in all the regions that this is not happening and that there is nothing in place now to allow that to happen. I want to ask the Deputy Premier: When are we going to see legislation to set up such an agency?

**Hon R. F. Nixon:** I think the initiatives of the Minister of the Environment, supported by the Premier, have been most commendable, bringing the regions together through their chairmen and others to make plans for solving the problem that all of them face—or that all of us face, I suppose one could say. Although not all of us live in the greater Toronto area, everybody here spends a good deal of time here, and in his or her own way contributes substantially to the garbage.

It seems clear, however, that the solution is not going to be one that is imposed by a garbage czar, and that it is going to be worked at the regional level, where the responsibility lies in co-operation among the regions directly affected with the leadership of the Minister of the Environment. I am very proud of his accomplishments in this regard, and he requires some reasonable time to accomplish what I hope the member, perhaps a year or 18 months from now, will agree is a most useful policy improvement.

**Mr B. Rae:** If the Minister of the Environment were taking a lead role, members might ask why he was at none of the meetings with a number of companies which apparently are going to be involved in this bidding process. He was not even at the meeting with the regional chairmen where this whole process was kicked off. Every indication is that he is not playing in this particular league at all, and that it is being handled in a way that is not accountable to anybody.

Citizens out there want to know what they are supposed to do if and when they object or want to have some control over the plan. The minister himself said back in 1983 that citizens had no control over their own regional governments. Now he has a committee of chairmen of regional governments—and another layer removed; most of them are not, themselves, individually elected

to regional council—making a decision that is made essentially in private, at meetings also attended by two deputy ministers from his government. We have no way of getting any accountability for these decisions. I want to ask the Deputy Premier: Where is the democracy, accountability and openness in this process? I do not see it.

**Hon R. F. Nixon:** I do not know whether the member wants to enter into an extensive debate as to the democratic positions of regional chairmen. They are slightly different in different regions, but they are there by virtue of legislation passed by this chamber. In each case, it was legislation which I personally opposed. The fact is that the regions are there, they are functioning and the regional chairmen are there under the constitution, presumably, of the legislation approved by this House some years gone by.

I do not feel that they are unconstitutional in any sense. I believe they do reflect the needs of their particular communities, and knowing the regional chairmen, I believe their motivations are at least as pure as the ones exhibited in this House from day to day. They want to do the best for their communities, and with the leadership of this government, particularly the Premier, they are working co-operatively and effectively.

#### USE OF PUBLIC FUNDS

**Mr Harris:** To the Housing minister: I wonder if the minister can explain why she wasted some \$60,000 to promote herself in a calendar sent to 110,000 Ontario Housing Corp tenants, a calendar in red, a calendar featuring her picture, a calendar sent and received anywhere from four to six months, in some cases, after the year began. Can the minister explain this propaganda, obviously not for calendar purposes as the year was half over for some of the people who received it? Can she explain this waste of \$60,000 when she does not have enough money in her ministry to house people on the waiting list?

**Hon Ms Hošek:** I have to confess to the member opposite that this idea of a handbook for tenants of the Metropolitan Toronto Housing Authority and OHC to give them information about health, safety, fire and various other issues is not our idea. It is an idea we copied from another Housing minister, someone called Claude Bennett, who was the Minister of Municipal Affairs and Housing. I happen to have here the tenant handbook from 1981, which was produced at that time.



We decided that as we produce a handbook every year, to celebrate the 25th anniversary of the Ontario Housing Corp we would do a special version of the handbook in a calendar style: this one. What we did was combine the calendar and the handbook in a single year. It costs 53 cents a copy and is available in French. I am happy to make it available to members in the House if they wish to see it.

We did a check this morning, and in Belleville, Midland, Goderich, Welland and North Bay the calendars were received in January and were distributed in January. They contain information that is useful to our tenants in the form of a calendar.

Interjections.

**The Speaker:** Order. Before I recognize the member for the supplementary, I would say to members who are not in their own seats, please refrain.

**Mr Harris:** I thought the interjection of the Treasurer (Mr R. F. Nixon) was a little more appropriate. It was, "Never again."

The minister seems to think this calendar equates to a handbook explaining rights to tenants. I would suggest to the minister as well that after 25 years, particularly the last five years, her ministry has absolutely nothing to celebrate.

Interjections.

**The Speaker:** Order.

**Mr Harris:** In the 1987-88 fiscal year, the Housing ministry spent nearly \$750,000 on hotels, over and above and not counting ministry staff travelling expenses. This includes nearly \$58,000 at the five-star luxury Briars resort and conference centre at Jacksons Point, and nearly \$94,000 at the Horseshoe Valley Resort. Can the minister explain why her ministry is spending hundreds of thousands of dollars at luxury resorts when she does not have enough money to house people on her subsidized-housing waiting list?

**Hon Ms Hošek:** The member opposite should know that this government is doing more for housing than any government he has ever been associated with. Let me point out that in 1984-85, when the member opposite's government was in power, there were 16 subsidized units in the town of North Bay, which he represents. There are now 265.

The member is extremely interested in hotel bills, and so am I. I wanted to get some numbers for the member, because I know he is very interested in numbers. I was going through the public accounts for 1984-85 and came to the Ministry of Natural Resources, whose minister at

the time, I understand, was the person who is asking me this question today, the member for Nipissing. These were the hotel expenses for the Ministry of Natural Resources in 1984-85: the Airplane Motor Hotel, \$25,000; Birch Cliff Lodge, \$34,000; Senator Motor Hotel, \$36,000; the Toronto Hilton Harbour Castle, \$76,000. This one really puzzles me: the Lava Mountain Lodge, \$849,000.

Interjections.

**The Speaker:** Order.

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**Mr Harris:** I was minister for one month of that period—

Interjections.

**The Speaker:** Order.

**Mr Harris:** I do not know what that has to do with the Ministry of Housing, which is what I thought the minister was responsible for. Her ministry's travelling expenses for 1987-88—air, mileage, hotel and food—came to nearly \$2.4 million. If she wants to compare apples to apples, that is double the 1984-85 blue book, the last time a Conservative minister was in the Ministry of Housing.

That is not counting the luxury resorts I have mentioned. It has more than doubled since she came to office. In addition to the Briars and the Horseshoe Valley Resort, we find accounts with the Café Coco, \$42,000; Sutton Place, \$37,000, and six other luxury hotels or chains ranging from \$33,000 to \$125,000, totalling \$2.4 million.

These are over and above, not counting, staff travel expenses. How can the minister explain this kind of unprecedented spending rampage at luxury resorts when the government waiting lists for assisted housing continue to grow?

**Hon Ms Hošek:** What is unprecedented is the amount of spending this government has increased in housing over the past three years. We have more than doubled our budget, from \$258 million in 1985-86 to \$537 million.

The member has already asked the particular questions that he has asked, and I will answer them, but I find it very interesting that we spent six hours together at estimates, six hours in which his energy perhaps was flagging, and never once did he ask any of these questions about these specific expenses; not once.

I am happy to give him the information as soon as I gather it, and he will have it. But let me point out that what we are doing, we are doing in the context of doubling the spending of this ministry to provide social housing for people all over the



province and a commitment to build 30,000 units of nonprofit housing in three to five years. I am proud of our record. There is a lot of work left to do, but we have a great deal to be proud of in what we have already accomplished.

**Mr Harris:** It is typical of a Liberal who measures success in dollars and cents.

I have a question to the Chairman of Management Board. It also concerns the use of luxury hotels and tourist resorts but by other ministries, because the Ministry of Housing obviously has learned these tricks from others.

I note that the 1987-88 public accounts lists a \$32,000 expenditure by the Ministry of Community and Social Services at Blue Mountain Inn and a \$52,000 expenditure by the Ministry of Culture and Communications at the well-known Fern luxury resort. Can the Chairman of Management Board tell me why ministry business is being conducted at these luxury resorts?

**Hon Mr Elston:** I will inquire into that and get back to the honourable member.

**Mr Harris:** Nobody seems to know much about these luxury junkets that are occurring with all the ministries and all the civil servants. It appears the Ministry of Natural Resources could not work at the office, so it spent \$42,000 at the Clevelands resort hotel in central Ontario. Not to be outdone—the members may know about this one—I am sure the chairman knows the Management Board of Cabinet managed to spend time at the five-star luxury Pillar and Post Inn at Niagara-on-the-Lake. The tab for that affair was \$140,000.

Can the Chairman of Management Board tell us why it is necessary to spend \$140,000 over and above normal travel expenses to hold a cabinet meeting?

**Hon Mr Elston:** The honourable gentleman is really being a lot like the Leader of the Opposition (Mr B. Rae), making some of these pieces of information available on a surprise basis so that he can let people think things that are not so.

Without question, there are a number of bills that have been paid for legitimate meetings in places that he has named, but this person should not try to suggest to the people of the province that there are not businesses and other organizations that go out of the office to have meetings. It is standard procedure for people to go out—

**Mr Harris:** To a luxury resort? It's taxpayers' dollars you are going to luxury resorts with.

**Hon Mr Elston:** The honourable gentleman is obviously not too interested in hearing the truth.

The fact of the matter is it is beneficial for people to get away from the office, to go through a whole series of things to plan for the future of the province. We are looking to the future and have looked to the future of the province of Ontario since 1985 in a way which has never been seen in this province in this half of the century. We have done that and we have done it with results that are second to none; an economy that is moving forward without any question, without any stretch of the imagination—

**The Speaker:** Thank you.

Interjections.

**The Speaker:** Order.

**Mr Harris:** Methinks the minister doth protest a little too much. No doubt this government is spending and wasting more money than the government of any jurisdiction in the history of Canada.

I note as well that our government spends its money on the strangest things. I wonder if the Chairman of Management Board could tell me about a \$40,000 expenditure made last year to RJR-Macdonald and a further \$35,000 to Rothmans of Pall Mall. This combined \$75,000 expenditure to these major tobacco companies was made by the Ministry of Health to purchase products. Can the Chairman of Management Board explain who approved \$75,000 worth of tobacco products purchased by the Ministry of Health, under what line item that might have appeared in the estimates, and if it is not in a line item, when or what—

**The Speaker:** Thank you. You are on your third question now.

**Hon Mr Elston:** In the previous examples, the honourable gentleman might have asked my colleague the Minister of Culture and Communications (Ms Oddie Munro) or my colleague the Minister of Community and Social Services (Mr Sweeney), who would have given him the answer right out. In this case, the Minister of Health (Mrs Caplan) is not here, but I can tell the member—

**Mr Harris:** We want to know who is controlling expenditures, whether there are any rules or controls.

**Hon Mr Elston:** Would he be quiet and wait for a moment? If he wants to listen to what the truth is, he should probably be patient enough and have the good judgement enough to allow the answer.

The member, like anybody else in this province, knows that the Ministry of Health, through psychiatric hospital requirements, has



people who are full-time in residence, in facilities, in the province. We are direct suppliers of service to some clients, some patients, and although I am uncertain as to the exact nature of these two pieces of billing, I suspect it would not be unreasonable to assume that through our general stores in those hospitals, there would be, for the benefit of the patients of the system, a requirement to provide them with cigarettes and other products if that was their choice. The member probably does not really care that much about them, but we do try to provide in the best way possible for the needs of those patients.

I will get back to the House—

**The Speaker:** Order. Thank you.

**Mr Harris:** Is the minister suggesting that his government's blue book is not the truth?

**Hon R. F. Nixon:** Of course it's the truth. We buy cigarettes for patients in residence.

**The Speaker:** Order. Really, really, really.

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#### ENERGY EFFICIENCY

**Mr Charlton:** I have a question for the Minister of Energy. The minister is no doubt aware that we released this morning a report, Electrical Efficiency Opportunities for Ontario, commissioned by our caucus. This report documents 5,300 megawatts of cost-effective energy efficiency which could be achieved in Ontario in reasonably short order.

I understand the minister has ongoing studies as well and that those studies will likely document amounts substantially in addition to those documented in our study. Will the minister assure this House this afternoon that, since he has said energy efficiency is his top priority, he will pursue by whatever means are necessary all cost-effective energy efficiency measures which can be identified in Ontario?

**Hon Mr Wong:** In answer to the honourable member's question, let me first say that the government shares many of the concerns that have been raised by his party and through the report which he tabled today. We welcome the report because we are moving towards energy efficiency as a standard by which we both live and work in this province. As the honourable member has mentioned, and I have said it on many occasions in the House and publicly in speeches, the number one priority of this government on both the demand and supply sides is on the demand management side, energy conservation and energy efficiency.

I believe that we can be doing more to encourage the wise use of energy. A year ago the cabinet of this government instructed Ontario Hydro to give us some quantitative targets. That was a major step. Hydro came back and gave us a 4,500-megawatt target that would be achievable by the year 2000. The honourable member is saying that he believes that figure should be higher today. That is exactly what the government has been saying to Hydro. As a result of this—

**The Speaker:** Thank you. That is enough to get a supplementary.

**Mr Charlton:** That should elicit a supplementary, yes. I appreciate the comments that the minister has made so far, but the minister is well aware that Ontario Hydro, after a long period of resistance, is finally saying publicly that a kilowatt of energy saved is at least as valuable as a kilowatt of energy generated or produced.

Hydro's holdup, in terms of the numbers it uses in its long-term plan, is its pessimism about how much of that energy efficiency we can bring into the system by the year 2000. If a kilowatt of energy saved is as valuable as a kilowatt of energy generated, is the minister prepared to treat those two kilowatts of energy equally in his approach to how we get them into the system?

**Hon Mr Wong:** We are moving aggressively to implement demand management in this province, first of all through the amendments of the Power Corporation Act to ensure that Ontario Hydro is more responsive to government policies and public priorities, with the passage of the energy efficiency legislation last year—the first in all of Canada—with the ministry's and the government's municipal street lighting pilot program and the municipal buildings energy efficiency program, through the city's Energy Forum programs, plus the government's request and instruction to Ontario Hydro to provide us with plans that show us what it plans to do in the incentive area to encourage energy efficiency in Ontario.

I might also remind the honourable member that major impacts from energy efficiency also result not just in the energy and economic area but also in the environmental area. What I am saying in conclusion is that this should not be a stopgap measure. This should become a part of our everyday efforts and lives, not only on the part of government but also on the part of Ontario Hydro and the people of this province.

#### HIGHWAY SAFETY

**Mrs Cunningham:** My question today is for the Minister of Transportation. We are all aware



of the numbers of tragedies that have taken place on Highway 401 between Woodstock and London. This morning we became aware that just yesterday another young person has died as a car crossed the median claiming the life of Mary Jennifer Forler, a University of Western Ontario student. I am sure the minister would agree that all of us would extend our sincere sympathies to her family and friends.

In the last six months there have been more than six deaths along this stretch of the highway and 43 deaths in the past 10 years. I very humbly ask the minister today: How many more deaths must Ontario witness before he takes immediate action in installing the barriers along this stretch of Highway 401?

**Hon Mr Fulton:** Very clearly, I and this government and every member of this Legislature feels very saddened by the fatality that took place and by the 1,200 fatalities that take place almost annually in this province.

We are attempting at every possible opportunity, anywhere and everywhere across this province, through driver training, through road and highway improvements, through intersection improvements, through median improvements and so on—every effort and energy, and in conjunction with enforcement agencies and others—to reduce the traffic toll; the injury toll and fatality toll in this province.

**Mrs Cunningham:** The Minister of Transportation informed the city of London in April that his ministry “intends to commence with the six-laning from Wellington Street to Highway 126 in London in 1989 and maintaining a continuous program over a period of eight years to upgrade the remainder of the highway east to Woodstock. At the same time, highway conditions will be monitored and appropriate action taken to ensure the safety and adequacy of this facility.”

Surely another death is part of that whole system of monitoring. Now we have a coroner’s jury that tells us that we should begin action and complete that stretch of the highway within the next two years. I think it is up to the minister to inform this House today—

**The Speaker:** I think it is time for a question.

**Mrs Cunningham:** —when that action will start and how long we should expect before those medians are built.

**Hon Mr Fulton:** I can inform the member that on 22 June I met with the mayor of London, Mayor Pember of Woodstock, our member for Oxford (Mr Tatham) and representatives from

the member for Middlesex (Mr Reycraft) in my office to pursue the very question she has raised.

We have a situation of 53 kilometres of highway with an average median strip of 28 feet in width and a depth of three feet. We have explained earlier that simply putting barriers along the median strip is not that simple, but we have indeed started, with our staff and consultants, to redesign the necessary improvements to implement what we stated, long before the recent coroner’s inquest took place, that this is very much one of the highest priorities. Although I have not made the specific announcement, one will be forthcoming very soon with respect to that highway.

#### USE OF PESTICIDES

**Mr Owen:** I have a question for the Minister of Agriculture and Food. Increasingly, the public is becoming very concerned about the quality of its food and the use of pesticides in getting that food to us. Farmers, as the primary users of agricultural pesticides, and their families are the most vulnerable to health risks. Of course, that also means that their rural environment is more susceptible to damage.

Farmers are asking that certification by way of safety programs on using pesticides be mandatory, hopefully by 1991. I would like to ask the minister today: Is this program on target, how extensive will it be for all of the farmers of this province and where are we with regard to implementing this program?

**Hon Mr Riddell:** The member is correct when he states that growers have requested mandatory certification for pesticide purchase and application by 1991, and I will say that we are on target for that date. The Minister of the Environment (Mr Bradley) has said that he is working towards mandatory certification through the Pesticides Act, which actually comes under the jurisdiction of the Minister of the Environment.

My ministry has been gearing up for grower certification since 1987 through a program called the pesticides education program. Since 1987 about 12,000 growers have attended courses offered around the province. My ministry and the Ministry of the Environment are currently involved in a consultative process to develop guidelines and a draft for legislation leading to mandatory certification.

1430

**Mr Owen:** Through the minister’s Food Systems 2002 program, farmers are hoping to reduce pesticide use by 50 per cent; I believe that is the figure that has been set forth. Yet, at the



same time, we have to find a way of maintaining present economic yields. Some farmers tell me it can be done and other farmers tell me we cannot have it both ways and that it cannot be done.

I would like to ask the minister today: Does he feel that pesticide use can be substantially cut, and, if we do that, are we going to be able to maintain our competitive agricultural industry the way it is today?

**Hon Mr Riddell:** Through our \$10-million Food Systems 2002 program we certainly do hope to reduce by 50 per cent the amount of chemicals used. But we also recognize that this reduction must mean that crop production is sustainable and that the Ontario producers must maintain economic crop yields.

We are convinced that the objective is obtainable, and both growers and the research community have been very supportive of this program. To date, approximately \$2.2 million has been devoted to contract research sponsored by my ministry, to make the 50 per cent reduction practical in terms of sustainable crop production. As well, an additional eight full-time pest management specialists have been hired to expand the principles and field application of integrated pest management to 11 commodities, including horticultural, field and greenhouse crops.

We are on target with our Food Systems 2002 program and we definitely will—

**The Speaker:** Thank you. New question.

#### PRESELLING OF HOUSING UNITS

**Mrs Grier:** My question is to the Minister of Consumer and Commercial Relations. In response to questions about the preselling of housing units before projects involved have received municipal approval, the minister has said that there is an internal ministry review of the issue.

In 1987 the present member for St Andrew-St Patrick (Mr Kanter), then a member of Toronto city council, described the practice of preselling as causing “serious problems for purchasers who have spent money in the expectation of obtaining housing. It also has consequences for members of city council, who may be pressured into approving unsatisfactory developments.”

I agree with that statement and would be interested to know from the minister if he ever intends to stop this practice and, if so, when.

**Hon Mr Wrye:** I really cannot indicate to the honourable member that we have a final timetable at which I will get a final report and at which this House necessarily will see legislation.

We are all very sensitive to the honourable member's remarks, which have been made by a number of individuals including my good friend the member for St Andrew-St Patrick, and I appreciate the honourable member's point of view on this.

As the member would know, some argument has been placed on the other side. That argument is that where these projects do go ahead appropriately, preselling can help speed up a process which, she would be the first to criticize and I might agree with her, at times is too slow. So it has been a balancing act. There is no doubt that a number of members, and indeed officials in my ministry who are looking at this very carefully, are concerned that albeit it may speed up the process, the down side is that it can be very frustrating to potential home owners—has been in a number of cases—and indeed sometimes places unwanted pressure on municipal councils.

**Mrs Grier:** It is the issue of pressure on councils and on approving bodies, such as the Ontario Municipal Board, that primarily concerns me. I want to give the minister an example of a project that is extremely controversial and which I have raised in this House before: the waterfront in my riding, where a major condominium development is proposed. It has been referred to the Ontario Municipal Board by the Minister of Municipal Affairs (Mr Eakins). Because there is no affordable housing in the development, the Ministry of Natural Resources, the Ministry of the Environment and the Ministry of Housing all have expressed concern, and there is going to be a very long and very controversial hearing some time in the new year.

Now a development within that area, known as Andmark-Newport Developments, has indicated to city council that it intends to start preselling condominiums this summer; a long time before any approval of even the official plan, let alone a zoning bylaw for the entire project is going to be in place.

**The Speaker:** Do you have a question?

**Mrs Grier:** Will the minister undertake to do something to prevent that problem before it occurs?

**Hon Mr Wrye:** In the member's preliminaries to the question, she indicated that a number of ministries in this government have expressed concern over this very important matter in her riding, and quite properly so. I also note that her concern is to the pressure that may be brought to bear on the Ontario Municipal Board.

I am reluctant to make any commitments of any kind, given that the matter is in front of the



Ontario Municipal Board, but I will indicate to the honourable member that I will take a very close look at the issue and receive a report from my officials about whether anything can be or ought to be done in this specific instance. I will commit to the honourable member that we will continue to look at this very important issue and, hopefully, have a resolution some time in the not-too-distant future.

#### CONTAMINATED SOIL

**Mrs Marland:** My question is to the Deputy Premier. Yesterday the Ontario Court of Appeal upheld an Ontario Supreme Court judge's ruling that ordered the Ontario government to pay damages to people of McClure Crescent. This is the second time that the Premier (Mr Peterson) and the Liberal government have dragged these poor people through the courts and lost.

Will the Deputy Premier now give the residents of McClure Crescent the justice for which they have been fighting for so many years and a commitment not to appeal yesterday's decision?

**Hon R. F. Nixon:** I cannot give the member that commitment, but I can tell her that my colleagues and I are aware of the judgement and will be considering it without delay.

**Mrs Marland:** Because of the previous decision to contest the Supreme Court's ruling, the people of McClure Crescent incurred a substantial legal bill in fighting the Deputy Premier's government on this issue. Will the Liberal government consider reimbursing these individuals for the large court costs they have incurred at this point, if in fact he does not appeal the decision again?

**Hon R. F. Nixon:** I will not, but my colleagues might have another view in that regard. I cannot help but simply recount to the honourable member something she knows; that is, that the level of radioactivity is uniformly below any level which is indicated would have any impact on people living there.

**Mrs Grier:** There are houses with basement apartments in them.

**Hon R. F. Nixon:** The honourable member has a different view; I know of her scientific background. The answer is no.

Interjections.

**The Speaker:** Order.

#### RAIL SERVICES

**Mr D. R. Cooke:** My question is to the Minister of Transportation. The railway has been

an integral part of Canadian life since its inception 100 years ago. In the beginning the train was the primary and, in some cases, the sole means by which Canadians living in one part of the country could unite with Canadians living in another part of the country. The role of the passenger rail service has changed with time and in our environmentally sensitive, mobile world, passenger rail service is indeed a viable and should be a viable travel alternative.

The federal government seems to have withdrawn its commitment to Via Rail, saying that it intends to significantly reduce passenger rail service entirely. This decision is of particular concern to the communities along the north mainline route, which incidentally is a route which some local Conservative MPs feel has already been cut.

What can the minister do to possibly aid Via Rail users in Ontario who are caught in this unfortunate situation?

**Hon Mr Fulton:** I thank the member for Kitchener for asking a very sensitive and timely question. It is an issue of great concern to Ontarians from one end to the other, but of particular interest to those on the specific routes that have been indicated.

1440

It would appear from the information we have that the federal member from Kitchener is not well informed on the issue. I am advised that the federal Minister of Transport and the new president of Via Rail, Mr Lawless, have only recently, a matter of days ago, received the business plan that would project what the federal government may or may not do with respect to Via Rail.

There have been conflicting reports in the media about which, if any, lines might be cut or abandoned or any form of reduced service. But I am informed that the federal government will not be making any kind of announcement to that effect before the summer is over.

**Mr D. R. Cooke:** That is good to hear. My criticism is directed more to the federal member for Waterloo, perhaps for Perth-Wellington-Waterloo. In any event, should Via Rail eliminate service to vast areas of the province, is the province prepared to seek compensation from the federal government for this lost service?

**Hon Mr Fulton:** To use the term "compensation" is somewhat premature. Clearly, the provision of rail passenger service in this country and this province is a federal jurisdiction. It has

been for 120-odd years and, I hope, will continue to be, as is the air service a federal responsibility.

I would hope, before we even consider a question of compensation, that the federal government will clearly look upon the investment in transportation that it should maintain across this country. Rail passenger service is a needed and well-used service, in particular quarters especially, and I would expect them to see the business case that will be coming forward and maintain Via Rail.

#### OCCUPATIONAL HEALTH AND SAFETY

**Mr Mackenzie:** I have a question for the Minister of Labour. On 4 July, I asked him about the serious concerns workers had about the demolition of the old number 3 open hearth at Stelco. The members of the United Steelworkers of America Local 1005 had reservations, and when they brought one of the ministry inspectors on site to look at a number of their concerns, he was ordered off the site, as they were.

I asked the minister if he would get back to it. He said he was unaware of that. I have since asked the Minister of the Environment (Mr Bradley) if he can produce an order with the regulations and instructions in terms of dealing with some of the problems on that particular site.

Can the minister tell us if he has any answer now as to why his construction safety representative was ordered off the site?

**Hon Mr Sorbara:** As a matter of fact, I do. As it turns out, the inspector, along with members of the joint health and safety committee, actually entered the area of demolition through a hole in the fence. Inasmuch as the people who were responsible for demolishing that site found that rather unusual, they were asked to leave, and then, it is important to add, the inspector returned to the site and spoke to the appropriate officials and was not impeded in any way whatever in his examination of the site.

I should add, though, that because this site is being demolished by a concern wholly separate and apart from the industrial operation at Stelco and Local 1005—that is, no employees of Stelco are involved in it—the joint health and safety committee itself at Stelco obviously is not involved in the matter and is not involved in any respect whatever in overseeing the demolition.

**Mr Mackenzie:** I wonder, then, if the minister can produce whatever safeguards are being taken with regard to the hazards there, and if he can tell us whether the at least six serious safety and health matters that were pointed out to the inspector would have been taken care of, in the

brief time before they were ordered off, were it not for the Local 1005 members with him and their request that he enter the site. I still wonder how the minister justifies an inspector's being ordered off the site, when the people who work in the immediate vicinity do have serious concerns, which they have been able to document.

**Hon Mr Sorbara:** I do not think we are talking about justifying an inspector's being ordered off a site. The inspector initially exercised less than the very best of judgement in appearing on the site through a hole in the fence. But my friend the member for Hamilton East does raise some very important issues, and I do not want to downplay them.

First, there are some serious risks and health management issues involved in the demolition here, primarily because of the presence of asbestos. I want to tell my friend from Hamilton East that the inspector is, as his responsibility, taking every precaution to make sure that the demolition is done in accordance with the law and in the interests of the workers who are working on that site.

I hope that a year from now—six or eight months from now, in fact—were this question to arise we would have an Occupational Health and Safety Act that required joint health and safety committees for construction, and then we would not have the problem of having a facility like this where no joint health and safety committee were present, but that is for the fall.

#### LONG-TERM CARE

**Mr Jackson:** I have a question for the Minister of Community and Social Services. I have a case of an individual, a senior citizen, who was admitted to hospital last year for some surgery with respect to his hernia, with respect to his bowel and, as well, with a section of his appendectomy, a complex piece of surgery. The individual has not responded that well to conventional treatments. In fact, his physician has recommended a process called intercell treatment. The cost of that treatment is about \$450 a month for three months.

This is an approved procedure under the Ontario health insurance plan and a senior citizen in home care would receive that support from the government. A similar senior in an acute care hospital would receive that support. I am led to believe that a senior with a similar condition in a home for the aged would receive that support.

However, this individual is indigent, has neither the funds nor the family to support him to have this paid for. He is a resident of a nursing



home. Can the minister advise this House why this is occurring in this province, and whether this man's needs could be met so that he does not have to go into his own wallet?

**Hon Mr Sweeney:** If the gentleman in question is a resident of a nursing home, as the member probably knows that is outside the jurisdiction of my ministry. Nursing homes come under the jurisdiction of the Ministry of Health. However, if there is any service my ministry could legitimately provide, I would certainly be prepared to look into it, if the honourable member will provide me with some of the details he has just described.

In some cases, as the honourable member may be aware, if a person were, for example, living in his own home or in the home of his family, then it is possible that even though he could not qualify for some of our income assistance programs, he could qualify under special consideration of cabinet for what we call an order in council. I am not sure whether that would apply if the person were in a nursing home. That is what I would need to investigate.

**Mr Jackson:** I appreciate the minister's willingness to investigate this case, because although he is not one of my constituents, it is a matter of concern affecting several people.

I am interested in the minister's response that it is outside of his ministry or partially outside of his ministry, yet on 7 June the minister made a statement in this House about long-term care for the elderly and people with physical disabilities. The minister referenced at length the concept of rationalizing services to elderly in this province.

I would ask him, as the lead minister, since he indicates clearly that the thrust he is taking is—to quote the statement—“in keeping with our philosophy of making services fit people rather than forcing people to fit the services,” if that is the philosophical approach and the commitment of his government, will he please assure this House that this individual senior citizen will not be discriminated against with respect to his condition and that his medically necessary treatments will be paid for?

**Hon Mr Sweeney:** As the honourable member has indicated, the purpose of my statement of several weeks ago was to indicate that at present we do not have the level of co-ordination and integration that we ought to have among the services provided by the Minister of Health (Mrs Caplan), by my ministry and by our joint home support services. There is currently under way a process by which that will be rectified and made more appropriate.

I announced at that time, too—rather, in response to one of his colleague's questions—that we have now appointed a single assistant deputy minister to work for both ministries to pull those very things together.

With respect to the specific incident the member mentioned, I am not aware at the present time, under the circumstances available right now, whether in fact there is discrimination. I am quite prepared to take a look at it and if my ministry can appropriately provide service, I will try to see that it is done.

1450

#### OXFORD REGIONAL CENTRE

**Mr Tatham:** To the Minister of Community and Social Services: I have received a letter from Nora Anderson, chairperson of the privatization committee of the Ontario Public Service Employees Union at the Oxford Regional Centre. She is asking questions about the downsizing of the Oxford Regional Centre. Could the minister please tell me what is taking place regarding downsizing at the centre?

**Hon Mr Sweeney:** The downsizing of Oxford is part of a seven-year plan of this ministry which began two years ago. Part of that process is that each of the various regional facilities will prepare a plan and submit it to the ministry. It is a requirement that the staff of those various facilities participate in putting that plan together.

I am pleased to advise the honourable member that Oxford, which I believe is in his own riding, is one of the leading facilities in the province in terms of having put that plan together. There has been a very close working relationship between management and staff there.

As a matter of fact, just last month there was a three-day meeting held between management and staff to determine the outline of that plan over the next four or five years. My understanding is that a determination has been made that the residents will be downsized from about 400 at the present time down to about 120.

I want to add for the honourable member, since we have run out of time, that he might be interested in knowing that at Oxford we now have set up a career centre to assist the staff of that facility to make plans for their own career futures in terms of whether they are going to—

**The Speaker:** Thank you. We have run out of time.

#### PETITIONS

##### WORKERS' COMPENSATION

**Mr Kormos:** I have a petition addressed to His Honour the Lieutenant Governor and the Legislative Assembly of Ontario, which reads:



"I, the undersigned, petition the government of Ontario to reform the workers' compensation system in Ontario so that people injured at work get decent pensions, rehabilitation and jobs when they are able."

This is signed by Stan Walker and of course by myself.

**The Speaker:** It looks as if you have a number there of the same petition.

**Mr Kormos:** Different signatures, Mr Speaker.

**The Speaker:** They are all signed by one person then.

**Mr Kormos:** The second one is addressed to His Honour the Lieutenant Governor and the Legislative Assembly of Ontario and is signed by Frank Maynard, with the same text and of course signed by myself.

The third one is addressed to His Honour the Lieutenant Governor and the Legislative Assembly of Ontario, same text, signed by Murray Jones and of course by myself.

**The Speaker:** Thank you. No, with respect, the member knows that he can say the number of petitioners, but he does not necessarily have to read the names.

#### TEACHERS' SUPERANNUATION

**Mr Jackson:** I am pleased to present a petition to His Honour the Lieutenant Governor and the Legislative Assembly of Ontario, which reads:

"Whereas the government of Ontario in its discussions with the Ontario Teachers' Federation on amendments to the Teachers' Superannuation Act has continually refused to permit an equal partnership between teachers and government in management of the pension fund, establishment of an acceptable contribution increase, benefit adjustments, equitable treatment of future surpluses and a binding arbitration process,

"We, the undersigned, petition the Legislative Assembly to insist that the Treasurer of Ontario enter into meaningful negotiations with the Ontario Teachers' Federation which will lead to a settlement equitable to teachers."

That is signed by 500 teachers and it has my signature.

**Mr Epp:** I have a petition here signed by 25 people, most of them from my riding, regarding the same subject as the previous petition, the teachers' superannuation fund, and I would like to submit it at this time.

**Mr D. R. Cooke:** I have two petitions, one identical to the petition presented by the member

for Burlington South (Mr Jackson) and the member for Waterloo North (Mr Epp). It is signed by 62 people.

#### WORKERS' COMPENSATION

**Mr D. R. Cooke:** The other petition has about 1,200 names on it, including the signature of the Leader of the Opposition (Mr B. Rae) the member for Cambridge (Mr Farnan), the member for Hamilton West (Mr Allen) and other people who are busy these days signing petitions of that nature, suggesting that the Legislature scrap Bill 162.

**Mr Charlton:** I have a petition to His Honour the Lieutenant Governor and the Legislative Assembly of Ontario:

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

This petition is signed by nine residents of Hamilton and I have attached my signature to it and support it fully.



## TEACHERS' SUPERANNUATION

**Mrs Cunningham:** I have a petition to His Honour the Lieutenant Governor and the Legislative Assembly of Ontario which reads:

"Whereas the government of Ontario in its discussions with the Ontario Teachers' Federation on amendments to the Teachers' Superannuation Act has continually refused to permit an equal partnership between teachers and government in management of the pension fund, establishment of an acceptable contribution increase, benefit adjustments, an equitable treatment of future surpluses and a binding arbitration process,

"We, the undersigned, petition the Legislative Assembly to insist that the Treasurer of Ontario enter into negotiations with the Ontario Teachers' Federation which will lead to a settlement equitable to teachers."

There are 500 signatures from Metropolitan Toronto, and I have signed my name to the bottom of the petition.

## NATUROPATHY

**Mr Leone:** I have a petition here signed by 100 citizens addressed to His Honour the Lieutenant Governor and the Legislative Assembly of Ontario, regarding the regulations of naturopathy. I have affixed also my signature.

## WORKERS' COMPENSATION

**Mr Farnan:** I have a petition directed to His Honour the Lieutenant Governor and the Legislative Assembly of Ontario:

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

This petition is signed by some 14 individuals. I have affixed my signature in complete support of the intent and content of this petition.

1500

**The Speaker:** The member for Welland-Thorold.

**Mr Kormos:** I have—

**The Speaker:** The member for Durham East, you are not in your seat.

**Mr Cureatz:** Oh, you are right. I forgot.

**Mr Kormos:** I have a petition addressed to His Honour the Lieutenant Governor and the Legislative Assembly of Ontario. It reads:

"I, the undersigned, Terry White, petition the government of Ontario to reform the workers' compensation system in Ontario so that people injured at work get decent pensions, rehabilitation and jobs when they are able."

I have added my signature to Mr White's, indicating my support for it.

**Mr Cureatz:** Mr Speaker, I did not realize how attentive you are. I must congratulate you. Indeed, even I forgot where I should be sitting. Of course, he is not paying any attention. He is talking to my seatmate. I have not had the opportunity of thanking him for a lovely dinner we had a week or two ago which we are most appreciative of.

## TEACHERS' SUPERANNUATION

**Mr Cureatz:** "To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Whereas the government of Ontario in its discussions with the Ontario Teachers' Federation on amendments to the Teachers' Superannuation Act has continually refused to permit an equal partnership between teachers and government in management of the pension fund, establishment of an acceptable contribution increase, benefit adjustments, an equitable treat-

ment of future surpluses and a binding arbitration process,

"We, the undersigned, petition the Legislative Assembly to insist that the Treasurer of Ontario enter into negotiations with the Ontario Teachers' Federation which will lead to a settlement equitable to teachers."

The petition is signed by 500 teachers across Ontario, and I have affixed my signature thereto.

**Mr Henderson:** I have a petition which is both from and to His Honour the Lieutenant Governor, in that it was sent to him and then passed along to me to present.

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Whereas the government of Ontario in its discussions with the Ontario Teachers' Federation on amendments to the Teachers' Superannuation Act has continually refused to permit an equal partnership between teachers and government in management of the pension fund, establishment of an acceptable contribution increase, benefit adjustments, an equitable treatment of future surpluses and a binding arbitration process,

"We, the undersigned, petition the Legislative Assembly to insist that the Treasurer of Ontario enter into negotiations with the Ontario Teachers' Federation which will lead to a settlement equitable to teachers."

That is signed by about two dozen people in and near my constituency and by me.

#### WORKERS' COMPENSATION

**Mr Mackenzie:** I have a petition:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Each year in Ontario hundreds of workers are killed on the job and about half a million injured. The Workers' Compensation Board decides if these workers are entitled to any compensation and what these deaths and disabilities are worth.

"There is a crisis in workers' compensation in Ontario that is not going to be resolved by the proposed new legislation. The Workers' Compensation Board has always operated in an arbitrary and inhumane manner and it will not change now.

"We, the injured workers and concerned citizens of Ontario, petition you for respect, dignity and justice. We, the undersigned, beg leave to petition the Parliament of Ontario to pass laws without hidden clauses that:

"1. Guarantee the rights of injured workers and are easily understood by workers, employers and decision-makers;

"2. Remove arbitrary decision-making and ensure that decisions, particularly regarding entitlement, are quickly made;

"3. Provide effective and humane vocational, social and medical rehabilitation programs to compensate injured workers for their pain and disabilities and assist them in returning to meaningful work;

"4. Provide jobs to injured workers or full compensation to those who cannot return to work;

"5. Ensure that the Workers' Compensation Appeals Tribunal, rather than the Workers' Compensation Board, is the final and binding decision-maker;

"6. Provide existing injured workers with the choice to opt into new legislation."

There are three sheets here from the east end of Hamilton, signed by 48 residents. I have affixed my signature to the petition.

#### TEACHERS' SUPERANNUATION

**Mr Reycraft:** I have a petition addressed to His Honour the Lieutenant Governor and the Legislative Assembly of Ontario. It calls on the Treasurer (Mr R. F. Nixon) to negotiate with the Ontario Teachers' Federation on amendments to the Teachers' Superannuation Act. It is signed by 17 constituents of the riding of Kitchener-Wilmot, and I have attached my signature as required by the standing orders.

**Mr Kormos:** I have a petition I wish to present, to have brought to the table, so that it may be read by the Clerk pursuant to standing order 31(g).

**The Speaker:** I would inform the member it has been my understanding for quite some time, and has been confirmed that it has been there for many, many years, that if the member is unable to read, then the Clerk will read it.

#### WORKERS' COMPENSATION

**Mr Kormos:** I have a petition addressed to His Honour the Lieutenant Governor and the Legislative Assembly of Ontario. The material allegations are that:

"I, Lloyd Allen, petition the government of Ontario to reform the workers' compensation system in Ontario so that people injured at work get decent pensions, rehabilitation and jobs when they are able."

I of course have added my signature to that, as I am required to do, and out of support for the statement contained in that petition.



## ORDERS OF THE DAY

## EDUCATION AMENDMENT ACT, 1989

Mr Beer moved, on behalf of Mr Ward, third reading of Bill 5, An Act to amend the Education Act.

**The Speaker:** Is it the pleasure of the House that the motion carry? The member for Scarborough West?

**Mr R. F. Johnston:** A definite improvement, definite cabinet material, you would have to say, in these days of cabinet shake-ups. We look forward to the announcement for the member for York North (Mr Beer) in due course, in the next little while.

I am, of course, rising not to speak about his parliamentary future, but rather about Bill 5 which, as the Speaker and most members of this House will know, is the matter of heritage-language instruction. I will not repeat my speech on second reading, members will be pleased to know, which went on at some length about language instruction and principles of instruction and my disappointment with the limitations this government has put on the process.

I want to say that when I asked for it to be sent out to committee for public hearings and we had two days of hearings, my purpose was to allow people from the minority-language communities in our province to come forward to talk about where they want to go from here, not just the presumption that the status quo in Bill 5 was what they wanted—sometimes known as the Scarborough amendment, to bring Scarborough in line with the rest of the civilized world on this matter—but to look to the future.

I am pleased to say that, in discussions with the parliamentary assistant who was most gracious during those hearings, I am informed by many of those representatives that there will be ongoing discussions with the government to discuss just where we go with language instruction and just what the future role and status of heritage language will be within the overall school curricula. To that end, I am delighted with the process. That is what I wished to achieve in that time.

But I am a little disappointed with the fact that it is today this matter comes up, 13 July 1989. Members will know, if they have read the regulations that go along with Bill 5 and from the discussions that went on early on about the speed with which this was required, that the government first wanted it by the end of May. Then it was already clear that by the end of June would have been acceptable. For some reason or other,

this was never called as the item of first business during the last number of weeks. It was always well down the list and obviously not given the priority that one had expected.

1510

Why was it important that it should have been called earlier? The regulations say that parents will have 90 days preceding the startup of the classes in which to register their children to take advantage of these classes that will now be obligatory by boards when 25 parents come forward. There is a huge difficulty here. Here we are at the end of the school year, families are now dispersing across the province and elsewhere on holiday, the boards of education are gearing down, this month at least, before they gear up again for the fall session, and we have the prospect that it will not be until some time after today that proclamation of this act will come into being.

Therefore, if these programs are to start this fall, even a month late with, instead of the 30 September date that we were all expecting, now a 30 October date—let me use Scarborough here, because this is what this bill is about, Scarborough's unwillingness to bring in the provincial plan on heritage language—the parents of Chinese extraction who have been fighting for this change for many years, parents of Greek extraction who have been working with me since 1981 to get Scarborough to bring in heritage language, will now have, after the date of proclamation, whatever that is going to be, and royal assent, a period from now or whatever date that is to the end of this month in which they will have to register if that program is to start by the end of October.

Clearly, if it does not start by the end of October, any board in the province will have the right to say, "Look, we cannot mess up our schedules about how to organize what is going on extracurricularly and during the regular school day in our system because there is now a demand for it, and this will have to be put off for another year."

I have no idea why such a callous approach has taken place here when there was an agreement among all three parties that this would not be held up. The public hearings I requested were not interminable hearings for which time allocation might be brought in as some kind of excuse. We will come to that matter later. There were in fact two days of hearings some time ago, completed many weeks ago now, yet the government has decided perhaps to make this first year of mandatory heritage language programming a



failure in exactly the jurisdictions like Scarborough that this whole bill is designed for.

I regret the fact that for one reason or another—and there are many things we have passed since that bill was completed on second reading and completed in committee in June—this government has not made it number one on its order list until this very day and therefore is restricting the amount of time parents will have to register themselves.

I know those who have been following it will do their best to get out to their communities and will try to get families on side. I hope we do not have any examples of 22 or 23 parents being contacted instead of 25, the number that is required, and a travesty of justice occurring.

I do say that I do not understand why, when there is an agreement that even today we will only be speaking for a few minutes on this matter, even though it is a matter of some import to many of us, this was not brought forward earlier on.

Let me just conclude by saying that we support this bill on third reading. We are disappointed that the principle does not extend further, but we are pleased that there is a process now for communication with the groups involved that will take place, and hopefully we will see some further amendment to the Education Act to give greater status to heritage language and greater coherence to language policy in the pedagogy of the province.

**Mr Jackson:** I too would be pleased to participate in the brief debate on Bill 5.

Having participated in the evolution of this bill in its initial stages, as a trustee with the Halton Board of Education developing heritage language programs for the Halton Board of Education and then four years ago when I came to this chamber and was involved with the standing committee on social development, I have seen this bill evolve to a point where today we are making these programs mandatory for all school boards in this province: mandatory third-language instruction which is being provided by a school system that is increasingly being paid for by local taxpayers.

Perhaps what disturbs me most is that the involvement of those very taxpayers is being minimized by this government. The process of their input and consultation has been diminishing, not increasing, in its value, and yet that flies in the face of considerable evidence that Canadians generally are expressing more concern about the need for us to define more clearly what

multiculturalism really means in contemporary Ontario.

I, for one, am very proud of this province's record of heritage languages. My ancestors having come from the Ukraine, I too have a very deep respect for the opportunities for grandchildren to learn the language so that they can communicate with a unilingual grandparent. That is an opportunity that we would encourage.

But it is a quantum leap to go from that set of sensitive needs for our society and jump ahead and suggest that if your child would like to take a third language in an elementary school, somehow the state should be forced to pay for that. I think we have not put the necessary thought into the implications of this kind of legislation and that is why I support the view of many of the groups who came before us in very brief, two-day public hearings.

I supported the position of the Ontario Public School Boards' Association, which objected to the mandatory, imposed nature of this legislation. I agreed with them that like any other provincial decision we make that affects local taxpayers in their school boards, we should at least guarantee them the funding if we are going to mandate those programs to them. It has been noted on several occasions that in fact this is the first time in Ontario's history, to my knowledge, that we are mandating a continuing education program without providing the legislative framework to guarantee the funding, and that is inappropriate. However, school boards are aware that they may be caught, and I would like to suggest that even at this late date, school boards are not completely aware of the details of the regulations.

This Bill 5 is limited to one simple sentence, and all it does, in effect, is make this program mandatory. That is all this bill says, and yet we have a large volume of regulations which many school boards, to my knowledge, still have not had access to see and, as my colleague from Scarborough has indicated, they are expecting school boards to be able to implement this in a matter of weeks.

I would suggest that trustees have a legitimate concern about this legislation when it comes to the guarantees that the minister provides. He guarantees access to programs, but he does not guarantee the necessary funding appropriate to ensure that the program works effectively. We can anticipate that it will befall local taxpayers, as he has done with several other programs.

I have stood in this House in the last two weeks to indicate to all members of this House that the



minister did not publicly announce in one of his memos that the special learning materials incentive funding program was being cancelled for the English language, our province's first language; that learning materials funds for that program had been rolled into the general legislative grants, which has the net effect, essentially, of reducing the value of the transfer payment from the province to the local school board, and yet the province has said the one element of the program that we will retain is for third-language program development and learning materials development.

School boards have a legitimate beef, a legitimate fear with respect to this government's commitment to starting programs and then dropping them at the hands of local taxpayers. As politicians, we should be listening more carefully, because the decisions we make are clearly having a greater financial impact on the local school boards and their taxpayers.

I would commend to all members the reading of a recent article by John Downing in the *Toronto Sun*, "Heating Up the Melting Pot," where it talks specifically about Canada's and Ontario's changing attitudes towards those definitions of how we are interpreting multiculturalism. I, for one, believe that our doors should remain open, that we should embrace as many people as possible and that we should ask them to accommodate all those wonderful things Ontario has. But unless politicians start to wake up to what the public is really telling us, then we should not be surprised at what the long-term outcomes might be for our province if we do not listen to what the citizens are saying. For that reason, I lament that Bill 5 takes on its mandatory, imposed nature.

1520

I will continue to support heritage-language programs as they are sensitively delivered to those children to better communicate with their own family members and preserve their cultural identity. But to give it primacy in some instances over first- and second-language instruction in this province I cannot abide, and would caution all members to recall what in effect they may be passing today as it relates to heritage-language instruction in Ontario.

**The Speaker:** The parliamentary assistant may wish to wind up the debate.

**Mr Beer:** I thank my colleagues for their remarks, and also for the discussion that we had in committee. I would like to make just a couple of comments, accepting that this is a reasonably brief debate.

The first point I would like to make is that I think there has been, and I hope there would continue to be, a shared commitment by all members of this House that we look at the way in which we treat those of our citizens, those people who are coming into our country and into our province, in an open and accepting way, and that we bring forward programs which, in effect, will assist them in their adaptation to Canadian life.

As we have looked at that particular issue, I think one of the things that has come forward over the last 10 or 12 years, and where I think there have been exponents by members of all parties, has been the role that language can have in helping young people feel more at ease within our Canadian community.

I think it is terribly important to underline to people that the purpose and intent of the heritage-language programs and the research that has been done to date demonstrate that these programs assist young people in becoming self-confident, having a sense of their own identity and, I think, down the road, clearly becoming full Canadian citizens.

I believe that in trying to address what I think is the very legitimate concern raised at times by people which is, why we enter into programs of third-language learning, what we are trying to do is assist those young people in having a sense of who they are and where they came from and through that, they can adapt more easily to Canada. The intent of the program, and indeed the intent of the parents and children who are in these programs, is that they become full citizens.

In addition, we have indicated—and a number of school boards in fact have done this—that these programs are open to all of the pupils. This has encouraged as well children to learn another language different from their own heritage language or from either of our two official languages which they speak.

It might be interesting to remind us all again that close to some 62 different languages are being studied by over 100,000 pupils at this present time. It was our belief that this program had reached a point where it is now a part of the educational program, and this was an important reason for moving forward at this time.

The second comment I would like to make is that, as the member for Scarborough West has noted, we have made a point of setting out that the 90-day period leading up to the establishment of a program has been set for 30 October. I would like to assure the member for Scarborough West and indeed make the commitment that we are



going to be in direct contact with all of the groups that have been developing new programs.

I think we are able to identify those various groups because they are already active and at work to ensure that in fact they will be able to develop the program and put their proposals forward within the time allotted. Because of the discussion that we have had on this bill in committee and earlier, I think that generally speaking there has been an awareness among the different parent groups that are interested in this program, and a great deal of work has been done. But we, as a ministry, will be ensuring that they are aware and that they will be able to get their proposals in and to go through the various steps that are required.

I would also say to my colleague the member for Scarborough West that, as we discussed in the committee, there was a process set up at the time of the minister's statement by which we are going to be reviewing the program. This is an ongoing process. There is an advisory committee that was set up to develop heritage-language materials that is very much at work. There will, I believe, be many positive things that will come out of their work. As we proceed with the research—and we have put some funding into that to get a better understanding of how these programs work, how they can be improved—we will be looking at that.

In that connection, as well, I want to note that we have allocated funding for both the development of the student learning materials and for teacher in-service training for those who will be involved in this program. In both cases, I think those are very important.

I would like to note to my colleague the member for Burlington South (Mr Jackson) that we are very definitely funding learning materials. The funds that are earmarked in the heritage-language area—indeed, that is a separate fund, if you like. Those commitments do not take away from the very strong commitments we have made in terms of textbooks and other learning materials, with many millions of dollars being expended and committed for future years.

In conclusion, I think we see this as a very positive step forward in terms of the province, in terms of our ability to bring within the Ontario community all of those peoples whom we have welcomed to Canada. We believe this strengthens that fabric, if you like, that unites us as Canadians, that it will help us in opening up many other doors, perhaps a number of doors that we are not even aware of as yet in terms of the international community. The more we have people who are able to speak a variety of

languages, that has a real economic impact for the future.

We look forward to working with all school boards on this program and to future discussions on this matter in the years ahead.

Motion agreed to.

#### TIME ALLOCATION

**Hon Mr Conway:** I move the motion standing in my name and would like to address some remarks to the motion.

**The Speaker:** Mr Conway has moved government notice of motion 6, and I would recognize the minister unless there is—

**Mr D. S. Cooke:** I have a point of order, Mr Speaker.

**The Speaker:** A point of order.

**Mr D. S. Cooke:** If I might rise on a point of order, I believe I am going to be referring to standing orders 1(a) and 1(b), as well as standing order 39, of the assembly. I have a few points to raise—I will not be overly long—with regard to this motion and whether the motion is in fact in order.

It is the position of this caucus and our party that government notice of motion 6 is out of order, and I would like to explain why.

The first concern that we would like to express is on the whole matter of time allocation motions. It is our opinion that since there is no provision in our standing orders for time allocation motions, we have argued in the past, and we would argue again today, that this motion is out of order.

We would suggest that if in fact the government wanted to move closure, it should have used the appropriate section of the standing orders, and that is standing order 39.

I will not review all the arguments that have been used in the past on this matter of whether time allocation motions are provided for in our standing orders and whether they are in order or not. It is clear that over the years all parties in the Legislature at one time or another have argued to speakers that in fact time allocation motions are not provided for in our standing orders and are out of order.

The examples have been on 8 December 1982 on Bill 179; 15 February 1983 on Bill 127; 25 June 1984 on Bill 142; 19 June 1986 on Bill 94, and 23 January 1989 on Bills 113 and 114.

**1530**

I submit to you, Mr Speaker, that if the government wanted to make time allocation motions appropriate in this Legislature, under notice of motion 5, its notice of motion dealing



with changes in the rules, it would have provided for time allocation, and that would have been the more appropriate route if in fact that was the position of this government. The motion that the government has proposed for the standing order rules changes did not deal with this item at all.

The second point I would like to make is that notice of motion 6 is something that has not been dealt with in the Legislature before. There is an unprecedented section of this motion that I think offers very serious concerns to this party and should to all members of the Legislature, as this motion moves closure not only on Bill 162, not just on one bill, but moves closure on every amendment dealing with this bill as well.

In the standing committee on resources development, the government introduced 27 amendments to the bill. They did not deal with those 27 amendments, and this motion we are now going to be dealing with, if you rule it in order, Mr Speaker, would move closure on every one of those amendments as well.

I would like to refer specifically to the motion and read out the appropriate section. This motion moves:

"That, notwithstanding any order of the House, when the order of the day is called for the consideration of Bill 162, An Act to amend the Workers' Compensation Act, by the committee of the whole House there shall be two sessional days allocated to the consideration of this bill. On the first of these sessional days, all amendments proposed to be moved to Bill 162 shall be laid on the table before the normal adjournment hour of 6 pm. On the second of these sessional days, at 5:45 pm, the Chairman of the committee of the whole House shall put all questions necessary to dispose of every section of the bill and any amendments thereto, not yet passed, including those proposed amendments not yet moved which shall be deemed to be moved, as well as the title."

Mr Speaker, I suggest to you that the section of the motion that deals with the deeming of all of the amendments to this bill, either moved or not moved, "shall be deemed to be moved," is inappropriate.

Under standing order 39 of our standing orders, it states:

"A motion for closure, which may be moved without notice, until it is decided shall preclude all amendment of the main question, and shall be in the following words: 'That this question be now put.' Unless it appears to the Chair that such motion is an abuse of the standing orders of the House or an infringement of the rights of the

minority, the question shall be put forthwith and decided without amendment or debate. If a motion for closure is resolved in the affirmative, the original question shall be put forthwith and decided without amendment or debate."

I suggest to you, Mr Speaker, that under standing order 39 you have an obligation to determine whether this matter is an abuse of the minority and individual members, and I would suggest that there is no way you could come to any conclusion other than that this is an abuse of the minority.

This is an unprecedented motion in this Legislature. Bill 162 is a major bill with substantial consequences for thousands of injured workers and future injured workers in this province. It is the role and the obligation of the opposition to hold a majority government, or any government, accountable for its actions. We cannot possibly do this when the government moves closure not only on its bill but every amendment, and every amendment that has not even been moved in this place or debated; they have never been debated in the Legislature or any standing committee of the Legislature.

The Speaker must consider what this precedent would mean to the future of the Ontario Legislature. Deeming that amendments have been moved when they have not been moved makes a complete farce of the legislative process. Deeming that amendments have been moved when they have not been moved or debated destroys completely the role of the opposition and any accountability the government has to the members of the Legislature.

The third point I would like to make is that this motion proposes two days in committee of the whole. I think two days to deal with 27 government amendments is unreasonable and, again, an abuse of the minority. I submit that two days is clearly inadequate and clearly an abuse. The Speaker must protect the process and must protect the minority. This process should be democratic, and it is not democratic and it is not free when the opposition and members of the Legislature are unable to hold the government accountable.

This motion puts limits on the committee of the whole that are totally unreasonable. I understand that the opposition parties have limits on them, but those limits, when they are put in a closure motion like this, must be reasonable. I submit that they are not reasonable at all when we are suggesting two days. We cannot contemplate and the government cannot contemplate how many additional amendments might be moved. It



may be that we have 27 amendments; it may be that Liberal backbenchers have some amendments to put to this legislation. To try to deal in two days with a minimum of 27 amendments, and a maximum of I do not know how many, completely destroys the process.

The final point I would like to make is that this motion presented by the government House leader prejudices the members of the Legislature. The government is assuming that there are going to be only 27 amendments and it is saying that two days is adequate to deal with those 27 amendments. We have no idea whether there will be additional amendments. Even the Minister of Labour (Mr Sorbara) has not indicated whether some of those amendments will be changed or whether there will be additional amendments. To put two days and then deem that all the amendments will be dealt with or will have been moved, even if they have not been moved, is inappropriate.

How can we as a Legislature possibly deal fairly with an individual member's amendments if, at the end of two days, any member in this Legislature could have moved an amendment and there will not even have been arguments pro or con for that amendment, yet we as a Legislature are supposed to judge those amendments and get up the second sessional day under this motion and vote? I suggest to you, Mr Speaker, that this is unfair. It does not offer any protection for the minority in this place and must be ruled out of order by the Speaker.

To sum up, then, we believe that this motion is clearly out of order on the basis that there is no provision in our standing orders for time allocation, as we have argued in the past.

Second, this is an unprecedented motion that prejudices the process and provides for closure not only on the bill itself but on every possible amendment and the amendments that have not even been dealt with or debated in a standing committee or in the Legislature itself.

We also suggest that two days in the committee of the whole to deal with amendments is inadequate and does not allow the opposition to appropriately play its role of holding the government accountable.

Finally, it prejudices individual members and members of other than the executive council and the role they are supposed to play in this place when we are dealing with legislation.

I think it is the Speaker's role to protect the process and the minority. You must protect the integrity of the legislative process. You must rule this motion out of order if the integrity of this

place is going to be protected by the Speaker. At a minimum, Mr Speaker, I feel you must take this matter under consideration. This is a precedent that will haunt the Legislature for years and years to come.

I would hope, Mr Speaker, that you would see. As we developed time allocation over the years, we started off with time allocation that was simple time allocation. We then went the next step with Bill 113 and Bill 114, where there was time allocation on two bills at once. Now we are at the stage where we have time allocation on a bill and on all amendments and deem that all amendments are already moved in this place. I think it is a short-circuiting of the process and begins to make a farce of the legislative process.

**1540**

You, Mr Speaker, are the only person at this point who can protect that integrity. The minority does not have the votes in the Legislature to stop this motion. You, as the Speaker, must protect the integrity of the Legislature and protect the minority. I would ask that you rule this matter out of order.

**Mr Harris:** I rise to support the points made by the House leader for the opposition.

I would suggest that in a "normal" time allocation motion—using the word I suppose a little loosely, in that while time allocation does not appear in the standing orders there have been some precedents where the Speaker has ruled time allocation motions to be in order. I really do not want to revisit the arguments made at those times by various opposition parties, including those represented by the mover of this motion, because there is precedent where those motions have been ruled in order.

But I do indeed want to spend a little time, Mr Speaker, and I believe you ought to as well, on the point that has been raised by the House leader for the opposition, and that is the brand-new aspect of this motion, which to the best of my recollection and what our research has been able to find is new, and in our view could set a very dangerous precedent, for example, for standing order 39 and the rights of minorities.

I suggest that the precedent could go even further than that—I will get into this in a couple of moments—in that I think this motion puts you, Mr Speaker, in a very difficult spot down the road as well. This motion is so encompassing as to have, if it is ruled in order at this time, prejudged potentially hundreds of very substantial amendments we have not seen yet. I suggest the reason it ought not to be ruled in order is that by being in order it prejudices that the opposition, even



though it may have less than 24 hours for debate, has had enough time to put forward its arguments on those particular amendments.

As has been pointed out by the House leader for the opposition, the very difficult part of this motion and the part that I think is a very dangerous precedent and not one—if the government House leader reflects upon it even he may want to have second thoughts—which we would want to set in this chamber.

That is the section that has been read, but I want to repeat one part of it: An unlimited number of amendments could be brought in as late as 5:55 at the end of the first day, placed by the government, by either of the opposition parties, by any individual member, and by passing this time allocation motion today it will have been prejudged, without ever having had a look at those amendments, that indeed the opposition rights will not be violated; that there will not be an infringement of the right of opposition to some time to take a look at the amendments, perhaps for some time to consult with the client groups interested in this legislation. I am sure you know, Mr Speaker, that there are a number of those.

I would go further, Mr Speaker, and suggest to you that I am not sure, if this passes—Trust me, I believe the arguments I am putting forward. I am defending the rights under standing order 39 as really enough to say: “No, this motion cannot be in order. I cannot prejudge the minority’s rights right now by ruling this in order. I cannot set in motion a process that prejudices whether adequate time has been involved on something that, potentially, nobody has ever seen yet.”

Second, I am not sure under this motion how we are even going to know if a particular amendment is in order. For example, if a government lays amendments on the table, nobody can rule whether those amendments are in order until they are actually moved. Does that amendment belong in this bill? Is that amendment an amendment that is in order in this bill? Yet by passing this motion, Mr Speaker, you will have deemed that unseen amendment, which is perhaps out of order, to be in order and you will have deemed it to have been moved and deemed it to be voted on without debate.

I suggest to you that that may put you in the very difficult position of being unable to determine whether this unknown amendment is in order. I would suggest to you that at the very least it infringes on the opposition’s right to challenge and make arguments about whether this amendment is in order, because this motion

deems it to have been moved, deems it, I presume, to be in order and requires us to vote on it without debate and without any further amendment.

There are a number of ways I believe the government could deal with this. One, of course, is under standing order 39, by invoking closure, which is in our standing orders and is the way in which the government can bring issues to a head and can indeed get them voted on. I would suggest to you that there are others they could have brought forward to avoid putting you in this difficult position, of having to prejudge whether the minority’s rights are being violated and prejudge whether these amendments are in order without your having seen them and without knowing the circumstance or substance ahead of time. There are other ways it could have been done.

It is not, quite frankly, our fault that the government does not have its ducks in order on this bill. I would not like it, but I suggest it might be in order, should the government suggest it, that at a certain time the members will vote on what the government has put forward. If they are that certain of themselves, they could do it. Second, they could withdraw the bill and introduce a new bill with the amendments they want in it and bring in a time allocation motion, which we would argue is out of order. I think the precedent is that you would say, “No, it is in order at a certain point in time.”

There are many ways this can be dealt with, given—particularly as the government indicated when it issued its press release on serving this—that the bill was introduced for the first time a year ago.

Mr Speaker, your way out of this is to rule it out of order—and I would suggest to you that you do—and invite the government House leader to bring in a new motion which allows for consideration of any and all amendments within the time allocation. I am not suggesting that you draft it for the government House leader, but I think you ought to suggest to the government: “There is a potential here for a major problem. You are asking me to prejudge something, potentially, that I have never seen. By allowing this motion to be in order, you are asking me to prejudge my job under standing order 39 to uphold the rights of every member of this chamber.”

I believe that could be a very dangerous precedent to set and I really do invite you to suggest to the government House leader that he go back to the drawing board on drafting this



motion, so that you are not put into that jeopardy and that dangerous precedent position.

1550

**Hon Mr Conway:** I would like to speak to the point of order raised by my friend the member for Windsor-Riverside (Mr D. S. Cooke) and just addressed as well by the House leader for the third party, the member for Nipissing (Mr Harris), which seems to me to turn on two considerations.

The first of the considerations of the member for Windsor-Riverside is that government notice of motion 6 is not in order, because time allocation is somehow not part of our standing orders. I reject that, because I think it is well known—and my friend the member for Nipissing alluded to this in his remarks—that we have had over the years, on a number of previous occasions, time allocation motions which were put and which were received as being in order.

So it seems to me that when one canvasses the precedents of this Legislative Assembly, one can find, without any difficulty, motions for the allocation of time that were advanced by government and that in some cases were objected to as being out of order and, as I recall, were on such occasions found to be in order.

I would cite simply the debate we had in this chamber not many months ago about the orderliness of another time allocation motion, which I placed in respect of two bills regarding the regulation of retail store hours. I must say to the member for Windsor-Riverside that on his first point I think it is very clear that time allocation certainly is part of our tradition. It has been so ruled by Speakers in this assembly, and I think that must be understood as we consider this this afternoon.

**Mr Pouliot:** It is magical and imaginary.

**Mr Farnan:** Democracy is the word. All dictators like words.

**Hon Mr Conway:** I will say to my friends the member for Lake Nipigon (Mr Pouliot) and the member for Cambridge (Mr Farnan) that that does not necessarily always make it agreeable. I can appreciate that—and my friend the member for Scarborough West (Mr R. F. Johnston) is certainly going to remind me of this, I am sure, at some point later in this debate—it has been argued that time allocation may not be appropriate, diplomatic or the most political way in which to proceed. But the question that we have to decide is the orderliness of time allocation, and there is no question in my mind that it is quite in order.

**Mr D. S. Cooke:** What about deeming?

**Hon Mr Conway:** Now the member for Windsor-Riverside observes parenthetically, what about deeming? That, of course, raises the second concern.

Interjections.

**The Speaker:** Order. With respect, we are on a point of order. You are expecting the Speaker to listen. Please allow the Speaker to listen.

**Hon Mr Conway:** The member for Windsor-Riverside raised as his second concern the issue of the particular provisions of this government time allocation, which deals with the placing of amendments and their consideration. I just want to address that because I think it too is quite in order, particularly when one considers the context.

I want to say as part of my contribution to this debate that I understand the situation in which we find ourselves with this particular bill. I have a great deal of regard for my friends in the opposition and understand perfectly the views of the New Democratic Party with respect to Bill 162. They are passionately opposed to it in principle and have so argued, I thought, with eloquence and some durability here the other night; but not just the other night, over the course of the 13 months that we have had to look at and consider this bill to this point. I respect them for that. I certainly want to say that I respect entirely their right to oppose this bill in every respect.

It is important as well for me to observe that they have said, I think, that they want this bill withdrawn, they want this bill sent back, they want this bill scrapped. Quite simply, they do not want to let this bill proceed to its passage. I understand that. They have said, and the member for Nipissing made this point in his remarks this afternoon, that the government could withdraw. The government is not going to withdraw. The government is proposing this particular matter and it intends to proceed.

I simply want to come back—because I know my friend the member for Windsor-Riverside is wondering what this has to do with the particular point in so far as his question of the orderliness of this motion is concerned. It has this to do with that. What do I do when my colleague the Minister of Labour has spent 13 months with the public discussion about this bill, a bill about which there is a very real and sharp division of opinion in this Legislature, but a bill about which this government feels very strongly in so far as it must be moved along to an orderly conclusion? The minister and the government made a



commitment that there would be public hearings. There were extensive public hearings.

The minister brought forward some months ago a package of amendments—and there may be others, to be sure—to reflect, as far as the government is concerned, the constructive criticism that was advanced through the course of those public hearings. The question arises that we have had several days in the standing committee on resources development dedicated to the consideration of this bill. What have we seen? We have seen—quite understandably, I suppose, from the opposition's point of view—a very great resistance to moving this bill along.

I think after 10 days in committee—

**Mr Pouliot:** We moved as quickly as we could. You know that.

**Hon Mr Conway:** I say that after some 10 days in committee the bill has moved at a snail's pace. There have been hours dedicated, days devoted to procedural matters. I would have to believe that in that regard the New Democratic Party is being as good as its word, which I respect. "We are opposed to this bill and we are going to move heaven and earth to delay it and to defeat it." That is their right under our system.

But we are a government that proposes not only this bill but amendments that we believe will make it a better bill because the bill will incorporate the constructive criticism that was brought forward in the hearings stage. Now we are faced, after several months of discussion of this bill, with having the matter before a committee and wanting to proceed.

In looking at the legislative landscape, in listening carefully and in watching closely what was happening in the committee, I was faced with the situation of how I should proceed to move the bill along to provide an adequate opportunity for the placing of amendments and for their consideration, recognizing that under certain of our practices there can be a very considerable obstruction of such consideration.

**Mr D. S. Cooke:** That is prejudgement.

**Hon Mr Conway:** It may be prejudging in the committee of the whole, but I have had no little bit of time and no little bit of evidence out of the resources committee that I think I must take into account. Mr Speaker, I want you to reflect upon the wording I have chosen in so far as this time allocation motion is concerned. What I have done is simply indicate that there will be, upon the passage of this motion, two full days in the committee of the whole for the consideration of the bill at that stage.

By the end of the first day, when passed, this motion will require that all amendments that are going to be proposed must be with the clerk of the committee so that they can be assessed for their orderliness and for their consideration by the committee. That is a very important point as to what is intended here. Of course, for the second day there is a provision here that there will be an opportunity for the consideration of those and other amendments that might have been proposed by the end of the first day.

1600

But I want to say to my friends in the opposition that I recognize their need for an opportunity to discuss and vote upon these amendments and I think that has been provided for in this particular time allocation: two full days for the consideration of amendments. In light of the passionate opposition that has been shown to be the case in the standing committee on resources development, I have had to find a way to allow members, including the minister, to have their amendments put and I have got to find a way to allow those matters to be then decided upon.

**Mr Pouliot:** Two sessional days for 27 amendments on this bill. It doesn't make sense.

**Hon Mr Conway:** The two sessional days come after weeks of consideration in the resources committee. I say to my friends, that, yes, the opposition must have a right to oppose and I think, over the last number of weeks and months, that right has been more than observed.

Interjection.

**Hon Mr Conway:** Yes, my friend the member for Windsor-Riverside is right. They must have an opportunity to propose any amendments that they might choose to propose. That is allowed for in this motion.

I want to say, though, to my friend, when I hear the opposition say to me and the government, "We are going to move heaven and earth to defeat this bill," that too must be taken into account. So I want to simply indicate—

**Mr R. F. Johnston:** We have to take your rhetoric into account too.

**Hon Mr Conway:** Yes, of course, the members will.

I just want to address the two issues that are of concern to my friend opposite, so that you, Mr Speaker, as you consider this motion, appreciate why it is the government is doing what it is doing. I believe that, on both counts, this motion is entirely in order, because time allocation has been shown to be part of our tradition and



because this motion does provide, at the committee of the whole stage, I believe, a reasonable opportunity in light of what has transpired at the resources committee, an additional number of hours for the putting of and the consideration of, and yes, the deciding of any amendments that have got to be considered at that stage of the bill.

I submit that, on those grounds, the motion is entirely in order and I would very much recommend it as being so for those reasons.

**Mr R. F. Johnston:** On a point of order, Mr Speaker: I rise only because it is a very important matter, and I will try to raise new matters, if I might, with you to consider.

I believe that if you believe, as the government House leader seems to, that a time allocation motion is always in order, then you will agree this is in order. If you take a different point of view, and that is, that it must be something which is weighed heavily before one decides if it is in order, then I would ask you to listen on the basis of certain arguments I will make.

The second point would be that this is not a time allocation like any other that we have seen or that I have been able to find in any precedent elsewhere, in that it specifically denies another series of rights of members around the amending process and the ability to propose change to legislation. I think it is important, from that perspective, that you look at this one as different from any of the other supposed precedents that we may have within our own jurisdiction at this time.

I would like to base my argument that, first, you have a right to make a decision on this matter, not to just presume that this is in order, under standing order 1(b), as it says: "In all contingencies not provided for in the standing orders the question shall be decided by the Speaker or the chairman. In making his ruling the Speaker or chairman shall base his decision on the usages and precedents of the Legislature and parliamentary tradition."

Clearly, we do not have in our standing orders any specific provision around this matter of time allocation and therefore we must move to the other matters of precedent and concepts of parliamentary tradition for you to base your decision upon.

I would suggest to you that in your role as Speaker, according to Beauchesne—and I do not mean to say this in any way that you do not already know this particular role, but I would like to remind you of this particular aspect of your role—you have a responsibility under section 120 "to maintain an orderly conduct of debate by

repressing disorder when it arises, by refusing to propose the question upon motions and amendments which are irregular, and by calling the attention of the House to" certain bills.

I would suggest to you that there is an irregularity in this motion presented which is highly prejudicial to my rights as a member and to all members in this House. It is the specific new section which deals with this question of deemed amendments.

I would suggest to you that if you read Erskine May on this matter, page 454 in the 20th edition that I have, you will see at the bottom of the page that rather than presuming this is something which is always in order, Erskine May says the following about allocation of time orders:

"They may be regarded as the extreme limit to which procedure goes in affirming the rights of the majority at the expense of the minorities of the House, and it cannot be denied that they are capable of being used in such a way as to upset the balance, generally so carefully preserved, between the claims of business and the rights of debate."

I would suggest to you, Mr Speaker, that therefore one always has to look at why a motion is being brought forward. I would suggest to you that it would be very important for you to review the precedents within this House of 8 December 1982, 15 February 1983, 25 June 1984, 19 June 1986 and 23 January 1989.

I would, for instance, just draw to your attention the fact that obstruction is being used as the argument as it was over 100 years ago when time allocation was first used in the British parliamentary system; yet we have here today a situation where in fact the amount of time that has been taken to this point on this bill, Bill 162, is 162 hours and 15 minutes. If you were to compare that with the time we took on Bill 30, 390 hours and 43 minutes, you might consider that we have not used excess time on this very important matter, as you know, to us and to working people in Ontario.

I would like to come to this question around your role in protecting the minority rights in this House. Again, if you remember your Beauchesne, as I am sure you do, the first thing that is talked about in a parliamentary democracy, in the first paragraph, the principles of parliamentary law are "To protect a minority and restrain the improvidence or tyranny of a majority," and that the Speaker's role is crucial in that in terms of making determinations.

I would then ask you, Mr Speaker, to look at some of the sections in our standing orders which



do assert certain kinds of rights and which are now being denied in this motion as they have never been denied in any other motion previously.

In section 112 of our standing orders, as an example, and in many other sections to do with committees, it says, "The standing orders of the House shall be observed in committees of the whole House so far as may be applicable, except the standing orders limiting the number of times of speaking."

This is a very important power that has been given to members within a committee structure: to be able to speak many times on the same clause in order to get at the precise language that is being raised in that clause. It is also the right of members to propose amendments, a very important matter.

Yesterday in this House, on a private bill on Sarnia, a government member moved motions against his own government's bill. He felt it was his duty and his right as a representative of the people to so do.

This right is being taken away from us. Worse than being taken away from us, it is being deemed. Our intent and the intent of the House is being presumed by the governing party of the day; a very dangerous kind of thing to ever do, even if we were considering this group benign in what it is up to in this particular case, as I suppose we must.

**1610**

If you think of the abuse of the minority's rights that is involved in this one little section, the slippery slope precedent that is being added to an already pretty slippery slope—I would ask members of this House who have not been here long to read Jim Renwick's speech in 1979 about the slippery slope of this kind of time allocation motion as it was brought in the first time and reflect on just how wise he was that day when you see now what is being added by this government to take away from my rights as an opposition member or any of the individual member's rights about amendment in this place.

This government is presuming that at the end of the first day, before all debate on individual clauses about the kind of language that is in those clauses is taken, we shall know the amendments, they shall be placed upon the table and they shall be moved—deemed to be moved.

I do not know what that means within our process. If something is deemed to be moved, I presume it is deemed to be in order. If it is deemed to be in order at the time the vote is taken

and there has been no debate on that matter, two rights have been taken away.

One is the right of the member for Lake Nipigon, as an example, to introduce an amendment and explain his amendment. If they have not got to the section which is appropriate by the end of that first day's hearings on this very complicated and convoluted bill, then the member for Lake Nipigon would have no choice but to submit his motion, which would be deemed to be in order, one would presume, and be deemed to be moved; and yet he would never have a chance to explain to the monolith, to the majority from which you must protect us, Mr Speaker, why it is that his motion is so important and perhaps not even antithetical to the interests of the government. He will not have an opportunity to speak. That right of freedom of speech on his part to propose has been taken away.

The other thing it does, of course, is to presume that something is in order, and I would suggest that is taking power out of the hands of the Speaker. As I read this motion, Mr Speaker, if we get through a quarter of the amendments, for instance, and on the day that the votes are taken it is brought before you, you do not have a right, as I see it here, to stand up in the middle of taking the votes and say we will not have a vote on this matter.

As I understand it, this matter will have been presumed to have been moved, so moved and now let us have the debate—now let us have the vote, rather, because the debate has been curtailed. Therefore, as I understand it, you would not even be able to say whether a certain matter is in order or not, because if you do say it is in order, Mr Speaker, or if you rule it is out of order, our right to debate that matter has been taken away. Our right to dissent from his judgement is taken away; our right to challenge the Speaker's decision.

**Hon Mr Conway:** The two House leaders have just told me they prefer closure.

**Mr R. F. Johnston:** I have no idea what that has to do with anything. I do not know if the House leader wishes me to instruct him again about what section 39 of our standing orders says and I will not go into any detail about it, because I am not trying to be political in my argument here, but rather just raise the dangers to the minority that are involved in the precedent which is about to be set.

It is important to understand that this section allows a government to move several motions of closure, if it chooses to, on several different sections and to do it on amendments, if it chooses



to, after the amendment is brought forward, but there has never been this kind of presumption of how many amendments can be dealt with in two days.

We know the government has 27. Mr Speaker, I can refer to you many times when this government has brought in amendments on the very last day in the very last hour, which will now not be in order. If they bring them in the day before, they will be in order, but if they bring them in at the last moment and they realize there is a major error in the bill, they themselves now will not be able to amend the bill to make it better.

It is an unnecessary move. I am arguing, sir, that you have to make a determination as to whether this particular motion is in order and valid, if it is a valid suppression of the rights of the minority, and you also have to make a determination that this other thing, which has never been done in our House, of taking away the rights around amendment and the role of members in committee, is also a valid move at this stage, given the intent of the government and the importance of this bill.

I would suggest to you that if we pass this as well, and I suggest that we could move in this area as well, the next step is for a government to be able to come in and, dare I say it, order its entire governmental business by time allocation in the last week of a House. If this is an order automatically—

**Hon Mr Sorbara:** How in the last week?

**Mr R. F. Johnston:** I am just suggesting that this is the kind of thing that follows from this, I say to the Minister of Labour.

What can be done, Mr Speaker, if you allow this to be done and this kind of deeming process to take place, is that a government can come in on the last week and have several pieces of legislation and deem all its amendments, which members would never have seen except the day before and perhaps never get a chance to debate, as is the whole reason for having a minority to control a majority. If we accept holus-bolus this notion of any time the government wants to do time allocation it may do it, can do it for any number of bills and can deem whatever it wants to be moved, then it is taking away the fundamental rights of the minority.

The Speaker has an obligation, I would argue, to make a ruling on this matter on the merits of this particular case and the dangers to the minority, because he is our protector and he is a servant of this House, in terms of that against the desire of the government to get its will, to get its

business through. I would hope that you would take some time to think about it, Mr Speaker, because in my view this is one of the more dangerous precedents that this Parliament could ever set for a perhaps less benign grand majority in the future.

**Mr Charlton:** I would like to quickly deal with just two aspects of this discussion on the point of order. The first one is the one that was raised by the government House leader about his ability to move the business forward.

I would suggest to you, Mr Speaker, as you are well aware, the standing orders of this House were set out for the members of this House, all members, the government and the opposition, to operate under. Those standing orders include rights for individual members, they include some rights that are reserved for the government and they include a number of rights or techniques that can allow delay.

They also, as you are well aware, Mr Speaker, include the right of closure, which is the government's method, under the standing orders, of moving the business forward. The government has the right, with Bill 162 or any other piece of legislation, to move closure on a bill or on amendments to the bill individually. If undue debate is delaying that particular amendment, they can deal with that and move it forward.

That not only includes government amendments, but it also includes amendments from the opposition. If there is undue time being spent on any particular amendment, under the standing orders as they now exist the government has the ability to move a piece of legislation forward. They could have used that ability in the standing committee as well as here in the House. They have failed to use the standing orders that are set out to protect its side of this question, and that is not the fault of the opposition.

The second aspect of this point of order which I would like to address with you is one other consideration of the precedent that is set out in the item we are referring to, the question of deeming amendments to have been moved and voted on. To set that kind of precedent, we have to think about what it means for the future, not just what it means in relation to this bill.

Mr Speaker, if you think about this process of allowing amendments to be tabled without ever being moved or debated and then, at the end of a process set out by the government, deemed to have been moved and therefore voted on, we will be creating a mechanism by which this government or any future government of this province



will have the ability on a particularly controversial piece of legislation to end-run the flak that is sometimes found in a debate, by allowing motions to be voted on without ever having been heard, moved or debated.

I think that is a mechanism that could be easily abused in the future. Regardless of whatever the merits may or may not be around the specifics of Bill 162, to allow us to set a precedent around a mechanism which would allow governments to avoid debate on amendments, especially debate on amendments from the opposition that it was not too happy to hear the debate on, I think would be a dangerous precedent for the democratic process in this Legislature.

**1620**

**The Speaker:** Do any other members have any comments on the point of order?

**Mr Harris:** Mr Speaker, you have been very generous, generous with your time in allowing us to make the point. I want to say I appreciate that. I believe it reflects the seriousness when something new or something that I believe has never been done before, comes along.

I would suggest to you, sir, that this open-ended prejudging of your role is the most dangerous aspect of this motion in its precedent, and I really believe as well, given—

**The Speaker:** Order. The member did speak previously. I believe you are referring to the same point that you made earlier, and I appreciate that.

**Mr Harris:** I was going to suggest the other 15 alternatives, given the seriousness of this, that would be there. But if you are aware of them, that is fine.

**The Speaker:** However, I have given any other member the opportunity. I have listened carefully to all those who have wished to speak on this point of order, and because the members have referred to standing orders 1(a), 1(b), 39, Beauchesne page 171, Erskine May page 454, I feel probably it is in the best interests of the House that I take time to consider all the comments that have been made. I will certainly review it as quickly as I can.

In order, though, to assist the House to do its business, and I know it has been a precedent in other Houses, members can commence debating the motion, if they wish, and I could come back some time during that, or they could continue with other business, whatever the wish would be.

**Mr D. S. Cooke:** Mr Speaker, if I might just respond to that, I do not know what they have done in other places, but I would find that,

myself, to be highly improper. That would be to presume that we are prejudging your position. I am not prepared to go on with it. I think you have done the appropriate thing by taking notice. We await your ruling.

**Hon Mr Conway:** Mr Speaker, I think it has been a good debate and the points have been put. I can appreciate your desire to take this under consideration. As I recall, that was what was done last time, when we dealt with the matter involving the regulation of retail store hours and the motion relating to that.

I have no difficulty in suggesting other business this afternoon. The Minister of Culture and Communications (Ms Oddie Munro) is here. I know the member for Lanark-Renfrew (Mr Wiseman) has a bill that we could move to. I would like to do some third readings. The member for Scarborough-Ellesmere (Mr Faubert) has been anxious for weeks to favour us with his budget speech. I would be more than happy, upon consultation, to select from some or all of that menu business that would occupy us until such time as you might care to give us your ruling.

**The Speaker:** It appears then that I will take enough time to consider all the comments that have been made by the members, and if there is further business, then I will call orders of the day.

## ORDERS OF THE DAY

**Hon Mr Conway:** If it is all right, we will just proceed with some second and third readings.

**Mr Harris:** Is it Bill 209?

**Hon Mr Conway:** Yes. I thank the member for Nipissing. I know the distance my friend the member for Lanark-Renfrew (Mr Wiseman) has to travel tonight. I would be happy to accommodate by calling the 33rd order.

## McMICHAEL CANADIAN ART COLLECTION ACT, 1989

Ms Oddie Munro moved second reading of Bill 209, An Act to revise the McMichael Canadian Collection Act.

**Hon Ms Oddie Munro:** This legislation has been a high priority of my ministry. Bill 209 contains amendments to the McMichael Canadian Collection Act.

The purposes of the legislation are:

First, to provide an appropriate and bilingual name for the organization. The corporation will be known as the McMichael Canadian Art Collection, Collection McMichael d'art canadien.

Second, to enlarge the board of trustees. This will enable the provision of more effective direction to the collection and, in particular, to improve its fund-raising capabilities.

Third, to clarify the collection's mandate. To provide for a continuing dynamic collection, the legislation will provide that the focus of the collection be works of art created by Indian, Inuit and Metis artists, the Group of Seven and their contemporaries and other artists who have made a contribution to the development of Canadian art.

Fourth, to simplify financial and administrative arrangements. These amendments clarify the responsibilities of the board and enable administrative efficiencies. They do not alter the relationship of the agency and the ministry nor its accountability to the government and the Legislature.

Thank you, Mr Speaker, for allowing me the opportunity to introduce Bill 209 to my colleagues in the Legislature for second reading. I look forward to hearing the comments of my colleagues.

**Mr Wiseman:** We agree with these four housekeeping amendments, but I do have a couple of questions for the minister.

I would like to know if the gift from the McMichaels will be kept in place and if Mr and Mrs McMichael will remain on the board of 17 as long as he or she is capable of handling that position.

Other than that, if we can be assured that those two or three things will take place, we have no complaints and would support the bill.

**The Acting Speaker (Mr M. C. Ray):** The minister can deal with that in her reply.

**Mr Charlton:** Our critic was here yesterday afternoon and prepared to speak on the bill. Unfortunately she is not here this afternoon, but it is my understanding from her that she was going to stand in her place yesterday afternoon and say that we are prepared to support this piece of legislation and see it go forward.

**The Acting Speaker:** Would the minister care to wrap up the debate with her reply?

**Hon Ms Oddie Munro:** I have spoken to the member for Sudbury East (Miss Martel), the member for Lanark-Renfrew (Mr Wiseman) and also to the member for London North (Mrs Cunningham) and I do appreciate very much their understanding of the amendments to the McMichael act and the current nature of Bill 209.

I think it is fair to say that, as a result of the amendments, the McMichael Canadian art col-

lection will be in a better position to be able to serve the needs of Ontario and to be accountable to taxpayers. The original gift by the McMichaels, as alluded to by the member for Lanark-Renfrew, will be protected and in fact the new legislation protects the gift in a way that neither the agreement of 1965 nor the 1972 legislation did.

In fact, in the legislation—I want to assure the member because I know he is interested in the specifics—no gift of McMichael himself, and that includes his wife, can ever be disposed of. We believe that the amendments relating to gifts are in conformity with the gift law and that in fact the board has the right to dispose of property only if the consent of the donor does not step in the way of that discretion.

1630

In regard to the question of whether Robert and Signe McMichael will remain members of the board, of course they will. We welcome them as remaining full and participating members of the board until such time as they are unable or unwilling to serve.

Just in wrapping up my comments, I would like to say in regard to the collection's mandate that, in our view, the revised wording provides for a more dynamic mandate. I know the critics have also accepted that. It will, of course, continue to focus on the Group of Seven, which was the original gift embraced, and its contemporaries, as well as Indian, Inuit and Metis art. This is a very significant direction for the only gallery in Canada which will be exclusively devoted to Canadian art.

I would again just like to touch on the rights of the board to dispose of property, because that has been alluded to. It relates to the rights of the board to dispose of property and the impact on gifts of generous past donors. We realize that although the act gives the board the right to dispose of property, including art, the conditions of any gifts are to be respected.

Consequently, the board does not have the right to dispose of gifts given in perpetuity or under certain specific conditions. I should say for the Legislature's information that the collection itself has grown from the original 200 works to well over 5,000 works of art.

In closing, I would be more than willing to take any additional comments from members of the Legislature and wish to assure the members that I value their comments highly in regard to the direction the McMichael collection goes from here on in. Those are my final comments, then, on Bill 209.



Motion agreed to.

Bill ordered for third reading.

#### CITY OF TORONTO ACT, 1989

Mr Reycraft moved, on behalf of Mr Kanter, second reading of Bill Pr1, An Act respecting the City of Toronto.

Motion agreed to.

Third reading also agreed to on motion.

#### SARNIA GENERAL HOSPITAL ACT, 1989

Mr Harris moved, on behalf of Mr Brandt, second reading of Bill Pr3, An Act respecting Sarnia General Hospital.

Motion agreed to.

Third reading also agreed to on motion.

#### CENTRE CULTUREL D'ORLÉANS ACT, 1989

#### LOI DE 1989 SUR LE CENTRE CULTUREL D'ORLÉANS

Mr Reycraft moved, on behalf of Mr Morin, second reading of Bill Pr6, An Act respecting the Centre culturel d'Orléans.

M. Reycraft, au nom de M. Morin, propose la deuxième lecture du projet de loi Pr6, Loi concernant le Centre culturel d'Orléans.

Motion agreed to.

La motion est adoptée.

Third reading also agreed to on motion.

La motion de troisième lecture est également adoptée.

#### ROYAL BOTANICAL GARDENS ACT, 1989

Ms Collins moved second reading of Bill Pr7, An Act respecting Royal Botanical Gardens.

Motion agreed to.

Third reading also agreed to on motion.

#### CITY OF HAMILTON ACT, 1989

Ms Collins moved second reading of Bill Pr13, An Act respecting the city of Hamilton.

Motion agreed to.

Third reading also agreed to on motion.

#### LONDON REGIONAL ART AND HISTORICAL MUSEUMS ACT, 1989

Mr Reycraft moved second reading of Bill Pr16, An Act respecting London Regional Art and Historical Museums.

Motion agreed to.

Third reading also agreed to on motion.

#### FORT ERIE COMMUNITY YOUNG MEN'S CHRISTIAN ASSOCIATION ACT, 1989

Mr Reycraft moved, on behalf of Mr Haggerty, second reading of Bill Pr18, An Act respecting the Fort Erie Community Young Men's Christian Association.

Motion agreed to.

Third reading also agreed to on motion.

1640

#### BOLSWARD INVESTMENTS LIMITED ACT, 1989

Mr Reycraft moved, on behalf of Mr Ballinger, second reading of Bill Pr20, An Act to revive Bolsward Investments Limited.

Motion agreed to.

Third reading also agreed to on motion.

#### SOUTH SIMCOE RAILWAY HERITAGE ACT, 1989

Mr Harris moved, on behalf of Mr McCague, second reading of Bill Pr21, An Act respecting South Simcoe Railway Heritage Corporation.

Motion agreed to.

Third reading also agreed to on motion.

#### BRUCE OFFICE SUPPLY LIMITED ACT, 1989

Mr Harris moved second reading of Bill Pr23, An Act to revive Bruce Office Supply Limited.

Motion agreed to.

Third reading also agreed to on motion.

#### CITY OF KINGSTON AND TOWNSHIPS OF KINGSTON, PITTSBURGH AND ERNESTOWN ACT, 1989

Mr Reycraft moved, on behalf of Mr Keyes, second reading of Bill Pr24, An Act respecting the city of Kingston and the townships of Kingston, Pittsburgh and Ernestown.

Motion agreed to.

Third reading also agreed to on motion.

#### ASSOCIATION OF MUNICIPAL TAX COLLECTORS ACT, 1989

Mr Ballinger moved second reading of Bill Pr25, An Act respecting the Association of Municipal Tax Collectors of Ontario.

Motion agreed to.

Third reading also agreed to on motion.

#### ANGELATO SERVICE CENTRE LTD ACT, 1989

Mr Harris moved, on behalf of Mr Sterling, second reading of Bill Pr26, An Act to revive Angelato Service Centre Ltd.

Motion agreed to.

Third reading also agreed to on motion.

#### INNOMED INC ACT, 1989

Mrs Lebourdais moved second reading of Bill Pr27, An Act to revive Innomed Inc.

Motion agreed to.

Third reading also agreed to on motion.

#### REGIS COLLEGE ACT, 1989

Mr Reycraft moved second reading of Bill Pr30, An Act respecting Regis College.

Motion agreed to.

Third reading also agreed to on motion.

#### THIRD READINGS

The following bills were given third reading on motion:

Bill 1, An Act to amend the Ontario Municipal Board Act;

Bill 10, An Act to control Automobile Insurance Rates;

Bill 17, An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund;

Bill 19, An Act to amend the Power Corporation Act;

Bill 33, An Act to revise the Ontario Mineral Exploration Program Act;

Bill 37, An Act to amend the Assessment Act.

#### FUEL TAX AMENDMENT ACT, 1989

Mr Conway, on behalf of Mr Grandmaître, moved Bill 21, An Act to amend the Fuel Tax Act, 1981.

**The Acting Speaker:** All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

1650

#### RETAIL SALES TAX AMENDMENT ACT, 1989

Mr Conway, on behalf of Mr Grandmaître, moved third reading of Bill 22, An Act to amend the Retail Sales Tax Act.

**The Acting Speaker:** Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

#### LAND TRANSFER TAX AMENDMENT ACT, 1989

Mr Conway, on behalf of Mr Grandmaître, moved third reading of Bill 23, An Act to amend the Land Transfer Tax Act.

**The Acting Speaker:** Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

#### SARNIA-LAMBTON ACT, 1989

Mr Eakins moved third reading of Bill 35, An Act respecting the amalgamation of the City of Sarnia and the Town of Clearwater and the addition of the amalgamated City to the County of Lambton.

**Mr Harris:** On this one my leader and perhaps those who were here at the end of the debate can speak better than I, because I was not here at the end of the debate on second reading. I should have said something a little sooner and I did not. I do not know whether either the member for Lambton (Mr D. W. Smith) or my leader had any comments on this or wanted perhaps—

**Mr D. R. Cooke:** Smith doesn't like the bill, but Brandt does.

**Mr Harris:** I mean, we are trying to accommodate and zippity through a bunch of stuff we did not anticipate today.

**Mr Reycraft:** If I could respond to the House leader for the third party, I had a discussion on the telephone with the member for Lambton earlier this afternoon. I indicated to him that we would be moving to third reading, so he certainly has been advised that this would happen this afternoon.

Motion agreed to.

#### MUNICIPAL AMENDMENT ACT, 1989

Hon Mr Eakins moved third reading of Bill 201, An Act to amend the Municipal Act.

**Mr Harris:** Very briefly, I know there were a number of concerns raised on this bill by the member for Wellington (Mr J. M. Johnson). I believe the member for Simcoe West (Mr McCague), as well, raised a number of concerns on this particular piece of legislation, as did those who are affected by the county government system. This is the legislation dealing with garbage, as I recall.



Not being in a jurisdiction blessed with county government—or unblessed with county government, as we are in the district of Nipissing—I wonder if the minister is satisfied that the very real concerns that were expressed by those members have been met and whether those concerns about the power of the larger centres within the county to overrule some of the smaller centres, particularly when it came to the siting of municipal dumps to take garbage from the whole county, whether those concerns about checks and balances have been answered satisfactorily.

**Hon Mr Eakins:** I think that some of the questions raised during second-reading debate have been resolved. I believe the main concern which was raised was a question of jurisdiction. I just want to emphasize that the jurisdiction here is one to the county. It is not to the individual local municipalities.

What we have here is an opportunity, with a majority vote, a two thirds vote of county council members voting, that certain changes can be made within that jurisdiction. I believe the concerns that have been raised have been answered. Indeed, many of the municipal people, many of the counties, have indicated to us that they are in full support and want to move ahead. I feel that the concerns that were raised have been answered.

**The Acting Speaker:** I will now put the question. Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

**Hon Mr Conway:** As the next order, I would like to ask unanimous consent so my colleague the Minister of Culture and Communications (Ms Oddie Munro) can move third reading of Bill 209, An Act to revise the McMichael Canadian Collection Act.

Agreed to.

#### McMICHAEL CANADIAN ART COLLECTION ACT, 1989

Ms Oddie Munro moved third reading of Bill 209, An Act to revise the McMichael Canadian Collection Act.

Motion agreed to.

**Hon Mr Conway:** Before I call the next order, I really do want to thank my colleagues and the two opposition House leaders for facilitating all of this work on short notice this Thursday

afternoon. It is really with some enthusiasm that I call the next order, because our friend the member for Scarborough-Ellesmere (Mr Faubert) has been on standby for days to favour us with his resumed contribution to the budget speech.

1700

#### BUDGET DEBATE (continued)

Resuming the adjourned debate on the amendment to the motion that this House approves in general the budgetary policy of the government.

**Mr Faubert:** As I adjourned the debate on Wednesday 28 May 1989, I would like to say it is a privilege today to rise to participate in this debate on the budget which was read by the Treasurer (Mr R. F. Nixon) on Wednesday 17 May 1989, and on his motion that this House approves in general the budgetary policy of this government.

It is also a pleasure to play a part in this debate, for this time not only provides all parties the opportunity of general comment on the budget but a chance for a general review of the government's policies and proposed programs for the future.

Also, by way of explanation, I would point out that since the good people of Scarborough-Ellesmere elected me to this Legislature in September 1987, I have never had the opportunity to make my traditional maiden speech. Although this is now the second session of this 34th Parliament and although I have had the privilege of speaking in this House by asking questions, making member's statements, presenting petitions and participating in private members' business, the time allocation has always run out or the debate concluded before my chance came up in the rotation. That is in spite of being always the fourth or fifth speaker on two throne speeches and two budget speeches.

I am sure this experience is shared by many members of our caucus and is one of the problems of our electoral success, which gave our government 95 members in the last election.

Because I have been prevented by those circumstances from making my traditional maiden speech and in so doing introducing many of the members to the riding I am privileged to represent, I would first like to acknowledge my sincere gratitude to the good people of Scarborough-Ellesmere for putting their faith in me to represent them in this Legislature. It is their voice I represent today, and indeed every time I rise in this House, and it is from their perspective



that I would like to make my remarks and address the budget.

I have always considered it a privilege to take my seat in this historic chamber, every time this Legislature convenes.

Scarborough-Ellesmere has some 49,000 voters and 82,000 residents. It is one of the six provincial ridings in the city of Scarborough, but it is actually the true centre of that growing city of Scarborough which forms the eastern section of the regional municipality of Metropolitan Toronto. The riding is a typical urban structure of low-to middle-income single-family homes with a limited amount of high-rise along its arterial roads and some Metropolitan Toronto Housing Authority housing scattered along its southern and eastern boundaries.

Like many urban areas, its demographics reflect the changing face of Metropolitan Toronto, with many Greek, East Indian, Macedonian, Italian and Caribbean communities emerging in the western and southern neighbourhoods of the riding.

A major industrial area of light to medium manufacturing completes the north and west-central parts of Scarborough-Ellesmere. However, this is an urban riding that has some distinction from the general urban sprawl, for it is here that, centrally, sits the award-winning Scarborough Civic Centre, within the greater reaches of the city centre area, with its modern shopping centres, rising office towers and soon-to-be-constructed residential complexes.

I have had the honour to represent this central part of the riding on both city and metropolitan councils for almost two decades, and now I am privileged to continue to represent this community here at Queen's Park.

But people are what governments are all about, not just steel and concrete, and I would like to address the House on how this government relates to the people of my riding, of Metro and indeed all of Ontario.

There are three major points to which I wish to speak.

First, I want to speak to the hope this budget brings to those in our society who are disadvantaged. Second, I would like to address the balance contained within this budget document, which can truly be described as a Liberal budget. Third, I want to commend the record of this Treasurer and this government in terms of fiscal responsibility.

As indicated by the recent throne speech and initiatives announced in this budget, this govern-

ment has taken a caring, commonsense approach to meeting the needs of all Ontarians.

Ontario is experiencing a period of unparalleled growth, economic prosperity and opportunity. The Treasurer points out in the budget that our province has exceeded the four per cent mark in real growth for six consecutive years. He points out that real growth increased by 4.9 per cent in 1988, outpacing growth in the United States and Europe. Among industrial nations around the globe, we in Ontario are second in terms of growth. Only Japan has recorded stronger growth. Indeed, the economy in Ontario has been experiencing tremendous prosperity, but not all Ontarians have shared in these good times.

This budget fulfils the government's commitment to assist those who do not share in this, and that is a commitment to moving persons from a life of economic assistance to a life of economic self-dependence. The initiatives that have been put forward in this budget include enriched benefits for children, increased shelter benefits, improved employment support programs and the removal of barriers which serve as a disincentive to work.

The costs of these progressive reforms have been projected as approximately \$415 million. In addition, this budget allocates an average six per cent increase in social benefit rates, an additional \$55 million to improve salaries and benefits for social services agency staff, as well as an increase in minimum wage from \$4.75 to \$5 for the province's minimum-wage earners.

These measures constitute the first step in the most significant reforms to our social assistance system in recent memory, and I would join all members of this Legislature in commending the Minister of Community and Social Services (Mr Sweeney) as well as the Treasurer in supporting so vigorously these reforms. What is more important is that these reforms will supply a much needed direction of hope to many people in the communities across this province who had given up on their dream for a better life. Perhaps it can be stated that the throne speech of 25 April 1989 gave hope to those caught in the tangle of poverty and this budget will assist in the fulfilment of those dreams.

Here in Ontario the unemployment rate will average 5.2 per cent. In 1989, business investment spending is forecast to rise by 11.7 per cent and to reach \$32.4 billion. This is expected to be particularly strong in the manufacturing, forestry and commercial services sector. The gross domestic product, GDP, will increase to \$267.5



billion from \$246 billion in 1988 and \$224 billion in 1987. Personal income will grow to \$220.8 billion in Ontario from \$187.2 billion in 1987. This government's commitment to ensure that we build on our economic strengths will ensure that our economy can sustain the level of prosperity necessary to allow all Ontarians to share in this wealth.

There must be a recognition of all it takes and will continue to take, a growing and buoyant economy where these programs, policies and social reforms put forward by the government are independent but related. This was pointed out most clearly and directly in a speech by my colleague the member for Peterborough (Mr Adams), who spoke earlier in the debate.

I believe clearly that history will show that this budget is truly a document of hope, and the people of Ontario need hope in these days of callous federal Conservative budgeting which brought forward in a combination of tax grabs and cost rollbacks an almost complete and total repudiation of its election commitments of last fall.

#### 1710

The people of Ontario need hope, as the federal Conservative government failed to set a fiscal example by bringing down a budget which actually is soft on debt reduction—in spite of a \$2.7 million media campaign to tell us otherwise, the deficit actually jumps this year to \$30.5 billion, bringing the debt to a whopping \$351 billion.

Another \$28 billion will be added next year, despite the increases in taxation, and another \$15 billion in 1992-93. As I say, that is just the beginning. Indeed, the Conservative federal government has somehow the nerve to admit that the temporary surtax, which was increased this year, will stay as a permanent tax even after the national goods and services tax comes in in 1991.

As the Treasurer indicated in response to questions that I put to him in this House, this federal government has moved further into the traditional provincial tax fields of alcohol, motor fuels and tobacco. Indeed, it has also invaded the large corporate capital tax field, which has in the past been a tax domain of the provinces. The result of this is to reduce further the taxation options of the provincial treasurers when they bring down their budgets. This is one explanation of why these areas of corporate taxation were not touched in this particular budget.

The people of Ontario need hope, as this federal budget hits hard at the financial heart of

Canada, here in Ontario, and at both the lower and the middle-class Ontarian.

I would now like to speak to this provincial government's strong determination to remove the barriers of poverty and despair for those in our society who have yet to share in the wealth and economic prosperity of this province.

I would call on all members of this assembly to go back to their ridings during the next session break, that is, if we get one, and talk to those who must rely on social assistance; talk to those who are working but are still members of that growing segment of our society defined as the working poor; talk to those in their ridings who are physically or mentally disabled; talk to those who also administer our social assistance system, and talk to those many people who volunteer their time to run community programs such as food banks, soup kitchens, shelters for the homeless and refugee assistance centres.

I can guarantee the members that if they talk to these people, they will recognize that the dollars earned by our prosperity at the corporate economic level do not always trickle down to many Ontarians who find themselves disfranchised from the mainstream of our society. Whether they look to downtown Toronto or smalltown Ontario, these disparities still exist.

Last month, I and my colleague the member for Scarborough Centre (Miss Nicholas) held a hearing at the Scarborough Civic Centre on the Transitions report. For the record, we were privileged to be joined by the member for Kitchener (Mr D. R. Cooke), as chairman of the standing committee on finance and economic affairs, who at that time had just reported back to this House on the Social Assistance Review Committee report.

We wanted to hear at first hand the concerns and problems experienced by those in our communities who are part of our social assistance system, either as a recipient or as a provider. Participating in this hearing were representatives and individuals from church groups, community service groups, advocacy organizations, senior citizens advocates, multicultural representatives, assisted housing experts, persons with disabilities, welfare recipients and welfare providers, as well as former welfare recipients.

As I stated to the House in my earlier remarks on this meeting, the presentations ranged from angry to extremely poignant. But all expressed hope for the early implementation of the Transitions report. The common message we heard from almost every presenter was—indeed, this expression was used earlier by the member for



Mississauga West (Mr Mahoney) but in a different context—everyone, almost to a person, said, “We don’t want a handout; we only need a hand up.”

Appearing before our hearings was a representative of West Hill Community Services Ltd. This is a community group which provides such services as a food bank, counselling, legal assistance and clothing to those in need. She expressed her concern about a social strategy of trying to solve problems by simply throwing money to people in need. She stated that people need education, basic skills and training to get back on their feet. She said that more than anything, these persons need confidence in themselves, they need hope, and hope is what much of this budget is about. She said, in effect, that these persons do not want a handout; they only need that hand up.

That is precisely the message of social service reforms announced in this budget. She will have been pleased to hear the announcement of the Minister of Community and Social Services on Thursday 18 May, especially in the area of supports to access employment. Here \$54 million is being allocated over three years to expand, consolidate and streamline existing employment support programs.

She will have been pleased to know that this government recognizes that social assistance recipients need improved access to mainstream programs to pursue skills training and employment experience. She will be pleased that the Minister of Skills Development (Mr Curling) will be providing a further \$8 million in literacy training over the next three years, targeting social assistance recipients as a key element in need. These initiatives worth \$84 million will make significant inroads in providing people with the skills and self-confidence necessary to become economically and socially independent.

I would also like to share with the members of this House the concerns that a representative of St Boniface Multicultural Centre in Scarborough expressed to us at that same meeting. She expressed concern about the burden on a refugee’s already limited resources caused by the cost of housing. Most of them who are in this situation are subject to many outside pressures. “They simply want to get started,” she said. “They want to work, they want to contribute. But in the meantime, they require affordable living accommodations.” They do not want a handout either; they only require that hand up.

This budget will provide assistance to people in this situation as well. Housing remains a high

priority for this government, as indicated by the 28 per cent increase allotted to the Ministry of Housing in this budget. This budget takes measures to support the development of affordable housing, to increase the availability of land and to enhance the housing market.

In three years, new construction in Ontario has provided homes for over 400,000 persons. In addition, \$1 billion will be made available to the Homes Now program, raising the total commitment to \$3 billion. Of these housing units, 70 per cent will be on a rent-geared-to-income basis.

This government recognizes that high shelter costs often take a major chunk out of the personal budgets of those on social assistance. In order to meet the costs of rent, some recipients have had to forgo adequate clothing or food. The shelter component will now cover 100 per cent of the cost of shelter, up to a specified limit. It will be calculated separately from the food and clothing components. This initiative, costing \$119 million, will assist approximately 225,000 adult social assistance recipients and 175,000 children.

#### 1720

In addition, representatives from the Advocacy 21 sector of the Metropolitan Toronto Association for Community Living also made a presentation to our hearing. This is a group of parents who are concerned about living and how their children who are in a position of disadvantage will survive after they are not around to look after them.

This group pointed out that the fear of losing social benefits completely by joining the workforce holds people back from trying. Many of them are afraid to climb the ladder out of what was described by one presenter as “the pit of poverty and dependence.” They fear somehow that if that ladder falls, they will lose their social assistance completely. They do not want us to hand down benefits to them as much as they need us simply to hold that ladder steady so that they can climb out of that pit of poverty on their own.

Persons in these circumstances should also take hope from this budget as the social assistance reforms also include the removal of disincentives to work. The Minister of Community and Social Services announced STEP on 18 May, the supports to employment program, costing \$22 million.

One of the major reforms included in this program will be the elimination of the 120-hour-per-month rule for single-parent recipients. No longer will parents be arbitrarily limited to working only on a part-time basis to remain



eligible for social assistance. No longer will an increase in outside income reduce a recipient's entitlement to zero.

Up until now, the loss of a recipient's last dollar in social assistance meant a loss of health benefits such as his drug card. There will now be included a buffer zone to enable recipients to retain their health benefits.

These reforms, among others, will provide these persons with the incentive requirements to climb out of that pit of poverty and dependence and to work to achieve a better quality of life for themselves and for their dependents.

We have also heard from social service agency providers and their recommendations for reform of all our social service system. The one message that they gave to us was very straightforward. It was: Simplify, simplify, simplify. Lo and behold, \$18 million have been set aside to redress the problems of inequities and unnecessary complexity within this system.

Not long ago, I was contacted at my constituency office by a single mother with two children. She had been receiving social assistance for six months as her husband had deserted her and the children. She had some data-processing skills and a number of job opportunities available, but the problem was that she needed to upgrade her skills and her speed.

However, due to the unavailability of affordable day care to her, to go back to work would have meant a cut in income which she simply could not afford. She was someone else who was caught in that pit of poverty. She was another individual, indeed, who did not need that handout but needed a hand up.

I am pleased to advise the members of the House that she did receive this hand up recently through the subsidized increases in funding for provincially subsidized day care spaces. In fact, in this fiscal year alone, my riding of Scarborough-Ellesmere received in total \$1,075,000, which contributed to creating 200 new day care spaces in the riding and which I had the distinct pleasure of announcing on behalf of our Minister of Community and Social Services.

However, there are still many people in our province in this situation who will take hope from the government's commitment to move people from economic dependence to financial self-reliance. Indeed, the changes related to child care expenses will be of assistance to single parents in this situation.

As we know, the greatest impediment to single parents joining the workforce is the cost of child care. Single parents will now be able to deduct

child care expenses up to specified limits from their earned income, making child care expenses in effect an additional tax reduction. This will save single parents in need of affordable child care significant amounts.

In addition to this, I have talked to teachers in my riding who have told me of the looks on children's faces when they are suffering from hunger brought on by the lack of nutrition or simply the lack of a breakfast in the morning. They have told me of the difficulties in keeping these children interested and attentive. They have told me, and statistics back them up, that a child suffering from the injustice of poverty does not have the same opportunity to succeed in our education system as a child who is well fed.

In a speech in Hamilton, the Premier (Mr Peterson), while discussing the effects of poverty on children, stated:

"We want to start in a measured and thoughtful way to make sure that we, as Liberals, respect one of the basic values that we hold, and that is that each person, young and old, will be given equality of opportunity to participate to the full limits of their ability. Hungry kids simply don't have that opportunity."

I say to all members of this House that there was hope given for these children in the Premier's words that day and that hope was realized last month in the Treasurer's budget and the announcements by the Minister of Community and Social Services.

Indeed, this government recognizes that over 40 per cent of the people in receipt of social assistance are children. Many of the initiatives that I previously discussed will benefit children. Initiatives such as the shelter subsidy reforms and benefit increases will assist 175,000 children in this province. Specifically, the Minister of Community and Social Services announced an infusion of \$54 million in funding to increase the children's portion of the allowances in our social assistance programs.

In addition, the benefits will be administered under a more equitable and simpler rate structure. Certainly the steps are being taken in the field of education that will assist in ensuring that education is a springboard to opportunity for every child in this province, regardless of household income. Clearly this government recognizes that we must do a better job of providing all children with the possibilities of a better way of life and with the means of obtaining it; and clearly this budget signifies that this government is ready to take up this challenge.



If I could sum up the efforts of this government in the social assistance area as indicated by this budget, I think I could do so in the words of John F. Kennedy when he said, "If a free society cannot help the many who are poor, it cannot save the few who are rich."

This government recognizes the significance of this statement. We recognize that every effort must be made to bring in those who have been left outside of our economic prosperity. We must break down those barriers of poverty. I commend the Minister of Community and Social Services for his vigorous efforts in this cause and I commend the Premier on the leadership he has displayed in the fight to help remove poverty and hunger from our midst.

**1730**

One of the areas I wish to address is the fact that many have called this budget anti-Metro, meaning against Metropolitan Toronto. I challenge those who believe this to look at the measures being taken to meet the needs of the greater Toronto area within this budget. It is true that revenue-raising moves such as the commercial concentration levy, the higher gasoline and diesel fuel taxes and the increased motor vehicle registration fees will affect the greater Metropolitan Toronto area, but it must also be pointed out that many of the initiatives announced in this budget will benefit the GTA in a significant way, directly or indirectly.

I see we have been joined by the Minister of Transportation (Mr Fulton). He made announcements just a couple of weeks ago, both of which, combined in his announcements on public transportation and on highways, were the largest and most significant announcements in transportation. These significant announcements affect each and every user of public transportation or driver on every road within the GTA.

Members will be aware of the rapid growth being experienced in Metro. We are reminded of that constantly, of course, by the opposition which, on one hand, is telling us not to spend money but, on the other hand, is always asking us to spend more money on improvements.

We know this rapid growth is being experienced in Metro and the surrounding regions. It is a constant battle to maintain an adequate infrastructure to continue to accommodate this continuing growth. There is an increasing pressure on our roads, on our highways and on our transit systems to keep up with this growth.

Since 1984-85, spending on Ontario roads, highways and transit systems has increased more than 30 per cent and will total \$2 billion in

1988-89. However, as we will acknowledge, it still is not enough to meet the needs of this greater Toronto area as it continues to grow.

Therefore, this budget allocates an additional \$2 billion over five years to the new transportation capital program. Support will be provided through this program to highway capital projects, major municipal roads and transit projects and additional GO Transit service. Specifically, expansion and accelerated construction will be funded on Highways 401, 403, 407 and 410. These initiatives will have a measurable impact on the traffic problems experienced by many of the residents within the GTA.

In addition, the transportation capital program includes \$200 million over four years, beginning in 1990-91, for major municipal arterial roads. Again this will significantly benefit the Metro area. The budget indicates that provincial capital spending on municipal transit systems will increase by \$44 million. That is a full 29 per cent increase, which brings to approximately \$200 million the capital funding of municipal transit services.

Specific to the Metro area will be improvements to the Yonge Street subway line. As a frequent public transit rider myself, I can assure members of this House that those who rely on public transit will be looking eagerly forward to these improvements. Also specific to Metro is funding for station upgrading at Yonge and Sheppard as well as the Harbourfront light rail transit line, the LRT.

There are many other measures taken in this budget that will benefit many residents in the GTA. The elimination of Ontario health insurance plan premiums not only will assist many residents who are currently paying their own OHIP but also will assist all income earners who previously had to list employer-paid OHIP benefits as a taxable benefit.

Increased funding in the areas of the environment, health and housing will significantly benefit residents of the GTA. While some of the revenue measures taken will affect the GTA, many of the initiatives taken in this budget will benefit this region directly and indirectly.

The third point I wish to address today is the commendable and somewhat unheralded effort of this government to operate in a fiscally responsible manner. If anyone doubted the commitment of this government to fiscal responsibility, I am sure that with the reading of this budget those doubts have been eliminated. Here in Ontario this government's efforts to reduce the



deficit and exercise fiscal responsibility are a model to governments across this continent.

I spoke earlier about many initiatives this government is taking to ensure that this province remains one of the top jurisdictions in North America in terms of quality and standard of living. That is, despite this challenging social agenda which must be paid for, this government will manage to reduce our deficit by \$911 million, to \$577 million. That is a reduction from 1983-84 of almost 82 per cent. In the year 1983-84, the deficit was, in real-dollar terms, almost six times higher than it is now.

As mentioned in the budget, the provincial deficit in Ontario will be at its lowest level in over 15 years. I am sure all the members of this House will agree—

Interjections.

**Hon Mr Sorbara:** Call on the opposition to speak up if it disagrees.

**Mr Faubert:** I just wish the opposition were here so that they could comment on these figures.

That is a significant achievement. I commend the Treasurer, the Chairman of the Management Board of Cabinet (Mr Elston) and our Premier for the fiscal responsibility they have demonstrated on behalf of all the people of Ontario.

This government does not need a \$2-million advertising campaign to cut our deficit. We have done it quietly and significantly and we have done it without cutbacks in our social agenda. Indeed, we have expanded our social agenda but with renewed reform and a commitment in all these areas. The federal government talks of the need to reduce its deficit and that is a commendable idea, but despite the fanfare and, as I pointed out, its \$2.7-million advertising campaign, the increased taxes and reduced services of the federal budget, the deficit actually jumps this year, as I pointed out earlier, to \$30.5 billion.

Without wishing to sound partisan, I would encourage members of the third party, if they were in the House today, to advise their federal cousins to look to the province of Ontario as an example of a government that can properly and effectively balance its fiscal and social responsibilities.

There are other areas that merit acknowledgement. A total of \$500 million has been saved through the expenditure savings and constraints program announced by our Treasurer in last year's budget. Every ministry contributed to this reduction in spending. As the parliamentary assistant to the Minister of Revenue, I am pleased to advise this House, in spite of an increased workload, that the Ministry of Revenue alone

saved \$15 million. The Treasurer has announced an overall goal of \$200 million in further expenditure savings and constraints for 1989-90.

As a percentage of Ontario's gross domestic product, the public debt has declined from 18 per cent in 1983-84 to 15.8 per cent in 1988-89 and we expect this to drop even further to 14.9 per cent in 1989-90. This would be the lowest ratio since 1974-75. This budget also produces the highest operating surplus in Ontario's history, at \$2.6 billion. At \$158 per person, we have the third-lowest deficit, per person, among the provinces. I suggest that these numbers speak for themselves and it is obvious that this government is committed to maintaining its agenda of fiscal responsibility.

As I wind up my response to the 1989 budget, I wish to speak on one additional point. There are those who have claimed that this government lacks vision, lacks direction and lacks a defined or concrete agenda. I suggest that if those people are still saying that today, then I do not believe they have read this budget, nor did they listen to the throne speech when it was delivered in May. This budget is beyond a doubt one of the most focused and forward-thinking documents in recent memory.

1740

It outlines our strategies to ensure that the unparalleled economic development under this government continues. It maintains Ontario's strong fiscal position by further reducing the deficit and substantially increasing its operating surplus. This pay-as-you-go approach has allowed the government to fund vital programs and improve the quality of life in this province. It funds a revolutionary yet basic approach to education in this province.

It accepts the philosophy of the Transitions report as the government takes actions to move people from dependence to economic self-reliance and we embark upon the most significant reforms to our social assistance system in recent memory.

It funds an increased commitment to the environment. It funds this government's commitment to preserving the quality of our health care system as well as promoting healthy lifestyles and disease prevention. This government has taken on a challenging agenda. It is with vision, direction and determination that this government approaches these challenges.

I can assure all members of this House that we regard the problems we face not as obstacles but as challenges. We approach these challenges of the day with a progressive determination not seen



in this province prior to 1985. I spoke earlier of this budget as a document of hope for the less fortunate in our society. I spoke of the balance that this budget maintains in terms of costs and benefits to the people of the greater Toronto area and I spoke of this government's exceptional record of fiscal responsibility. Indeed, this budget demonstrates all of these points and much, much more.

The opportunity to respond to this budget has been one of the highlights of my participation in this House since my election in September 1987. I am honoured to have been given the opportunity to respond to the budget because I believe it to be one of the most progressive budgets in the history of this province. It is, as many have said, not only in caucus but publicly, a truly liberal budget. It is principles such as those displayed by the Treasurer that attracted me to the Liberal Party many years ago and it is this direction and philosophy that can be seen in this budget that inspired me to run for this office in September 1987.

This budget, as I stated, is both a small-l liberal and a large-L Liberal budget. The people of Ontario voted decisively for a Liberal government in 1987. I am pleased to say that this government is living up to those high expectations that the people of this province placed in us.

If the members of the opposition—

**An hon member:** One.

**Mr Faubert:** —the one who is here—detect a small touch of pride in the speeches of government members when we participate in this debate, that is because we are proud of this budget, we are proud of our Treasurer and we fully support the motion that is before us to approve in general the budgetary policy of the government.

Interjections.

**The Acting Speaker (Mr M. C. Ray):** Order.

**Mr D. R. Cooke:** I do not think there is anybody in this House who would disagree that the member for Scarborough-Ellesmere is the finest member that riding has ever had in this House.

**Mrs Marland:** It may well be completely true.

**An hon member:** And Margaret agrees.

**Mr D. R. Cooke:** Yes, I am certain. If there is anyone here in this House who disagrees, I would like to hear from him.

I had the opportunity, as the member indicated, to attend the town hall meeting forum he held along with the member for Scarborough Centre,

who is also the finest member that riding has ever had in this House. I had the opportunity to attend that forum and I know that these two members are representing their constituents well. They are listening to their constituents and they are presenting all their concerns.

The result of that meeting, of course, was that the Minister of Community and Social Services presented the supports to employment program on 18 May. I think Ontario is now the most forward-thinking jurisdiction we have, perhaps in the whole world. I just wanted to make that point.

**Mrs Marland:** I hope the members in the House will be kind to me, since I am standing in the House at this moment as the only member of either of the opposition parties.

I would like to say, however, with respect, that I think it is almost refreshing to hear all the members of the government party stand and applaud the member for Scarborough-Ellesmere (Mr Faubert). Obviously, the applause is somewhat partisan, as are some of the comments. Certainly, I think when the member for Kitchener stands in his place and says that the previous speaker is, in fact, the best representative ever of that riding, it may well be completely true, for one reason: I think it is a new riding.

**Some hon members:** No.

**Mrs Marland:** It is not. Then I think the record should show that while we are having this wonderful fraternity of self-commendation among the Liberal government members, one recognizing the attributes of the other, perhaps there have been other members in the past who have served those ridings at least equally well, if not better.

I think too that there would still be people today in the riding of Scarborough-Ellesmere who would really wonder how their member could stand in the House and speak in support of the budget of this Liberal government of this year. I think it is significant to recognize that not everybody in Ontario agrees that this year's Liberal budget was a good one.

**Hon Mr Sorbara:** Point of order, Mr Speaker.

**The Acting Speaker:** The Minister of Labour on a point of order.

**Hon Mr Sorbara:** Given that it is about 5:45 pm and I know so many of my colleagues in the House would like an opportunity to congratulate the member for Scarborough-Ellesmere on this budget speech, I am wondering if there might be unanimous consent to extend by perhaps eight or



10 minutes the time for responses to this speech. I am wondering if the House would agree to do that.

**Mr Harris:** I realize the government House leader does not want to go against one of his fellow cabinet colleagues, so perhaps I can do it for him. I understand His Honour awaits.

**Hon Mr Sorbara:** I was going to say "until His Honour arrives."

**Mr Harris:** His Honour arrives when we say it is time for him to come and somebody goes down to get him. He does not wait for debate to finish in the House. I would suggest that unanimous consent from the viewpoint of the government in getting royal assent to a number of bills after third reading would not be appropriate.

**Hon Mr Conway:** I agree.

**The Acting Speaker:** We still have some additional time for comments and questions. The member for St Catharines-Brock.

**Mr Dietsch:** It is with a great deal of pride that I stand in my place to pay tribute to the member for Scarborough-Ellesmere, not only on his speech on behalf of the government but also on his maiden speech in this House.

1750

I can say without any hesitation whatsoever that the member for Scarborough-Ellesmere has been not only a member who has paid particular care to his own riding but has been one of the few members to make a very sincere effort to attend all events throughout this province to gain a better recognition and understanding of the ridings that each of us represent. I can say the member has indeed paid compliments to my particular riding by his attendance.

He has not only been a member of good standing in this Legislature but in his municipal career previously, through his involvement in the Federation of Canadian Municipalities. It has stood him well in recognizing, as a very contributing member in this House.

He rightfully points out with regard to this budget its social assistance thrust and the additional moneys that have gone forward to fulfil the obligation of the Social Assistance Review Committee report, and at the same time towards the debt reduction; a very fiscally responsible government that has made a very sincere effort.

I know that all members of this House join with me in recognizing his contribution and the contribution of this government of Ontario.

**Mr Harris:** As I suspect the time is going to be used anyway, it might as well be used to hear a dissenting viewpoint.

I would like to congratulate the member for Scarborough-Ellesmere on being here. I congratulate him belatedly. I do not think I have had an opportunity to congratulate him on his election. He was the choice of the people—

**An hon member:** You really should have listened to his speech if you're going to comment on it.

**Mr Harris:** I listened to the election results in 1987, which is what I am talking about. He was the choice of the people of Scarborough-Ellesmere in 1987. I respect that and respect his right to be here and indeed his right to speak. Not many of the backbenchers in the government party get the opportunity to speak. They are stifled substantially.

Having said that on the comments I was able to listen to in my office, I want to echo some of the sentiments expressed by the member from Mississauga. The people of Scarborough-Ellesmere, having given him their vote of confidence in 1987, surely for the last time, would have to be astounded to hear that member stand up and talk about this budget, talk about the GTA tax, talk about the extra taxation that is going to be placed on people, their penalty for living in Toronto.

I suggest to government members that if some of them do not want to be one-timers, they had better start to speak up for their constituents, not for some budget because they feel it is their obligation as members of that party.

**The Acting Speaker:** The time remaining permits only a reply by the member for Scarborough-Ellesmere.

**Mr Faubert:** I would first like to thank my colleagues for their comments. I have tried to put forward in this speech the fact that indeed I was speaking for my constituents in Scarborough-Ellesmere. I wanted to put very clearly the perspective related to this budget that, while the member for Nipissing (Mr Harris) might put forward that there is additional taxation included within this budget, the benefits that accrue to the greater Metro area, for one area within here, are substantial and are those I am proud to stand up to acknowledge and support.

I should clarify one other point for the member for Mississauga South (Mrs Marland), that Scarborough-Ellesmere is not a new riding. It is a riding that has been around, I believe, since 1975. It was formerly represented by the New Democratic Party. I am very happy to have been the choice of the electors of Scarborough-Ellesmere and I look forward to being their

choice again when the next provincial election comes around.

On motion by Mr Reycraft, the debate was adjourned.

**The Acting Speaker:** I should at this time indicate to the House that we are awaiting the arrival of His Honour the Lieutenant Governor for the purpose of giving royal assent.

His Honour the Lieutenant Governor of Ontario entered the chamber of the Legislative Assembly and took his seat upon the throne.

#### ROYAL ASSENT

#### SANCTION ROYALE

**Hon Mr Alexander:** Pray be seated.

**The Acting Speaker (Mr M. C. Ray):** May it please Your Honour, the Legislative Assembly of the province has, at its present sittings thereof, passed certain bills to which, in the name of and on behalf of the said Legislative Assembly, I respectfully request Your Honour's assent.

**Clerk Assistant and Clerk of Journals:** The following are the titles of the bills to which Your Honour's assent is prayed:

Bill 1, An Act to amend the Ontario Municipal Board Act;

Bill 5, An Act to amend the Education Act;

Bill 10, An Act to control Automobile Insurance Rates;

Bill 17, An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund;

Bill 19, An Act to amend the Power Corporation Act;

Bill 21, An Act to amend the Fuel Tax Act, 1981;

Bill 22, An Act to amend the Retail Sales Tax Act;

Bill 23, An Act to amend the Land Transfer Tax Act;

Bill 33, An Act to revise the Ontario Mineral Exploration Program Act;

Bill 35, An Act respecting the amalgamation of the City of Sarnia and the Town of Clearwater and the addition of the amalgamated City to the County of Lambton;

Bill 37, An Act to amend the Assessment Act;

Bill 201, An Act to amend the Municipal Act;

Bill 209, An Act to revise the McMichael Canadian Collection Act;

Bill Pr1, An Act respecting the City of Toronto;

Bill Pr3, An Act respecting Sarnia General Hospital;

Bill Pr6, An Act respecting the Centre culturel d'Orléans;

Projet de loi Pr6, Loi concernant le Centre culturel d'Orléans;

Bill Pr7, An Act respecting Royal Botanical Gardens;

Bill Pr13, An Act respecting the City of Hamilton;

Bill Pr16, An Act respecting London Regional Art and Historical Museums;

Pr18, An Act respecting Fort Erie Community Young Men's Christian Association;

Bill Pr20, An Act to revive Bolward Investments Limited;

Bill Pr21, An Act respecting South Simcoe Railway Heritage Corporation;

Bill Pr23, An Act to revive Bruce Office Supply Limited;

Bill Pr24, An Act respecting the City of Kingston and the townships of Kingston, Pitts-burgh and Ernestown;

Bill Pr25, An Act respecting the Association of Municipal Tax Collectors of Ontario;

Bill Pr26, An act to revive Angelato Service Centre Ltd;

Bill Pr27, An Act to revive Innomed Inc;

Bill Pr30, An Act respecting Regis College.

**Clerk of the House:** In Her Majesty's name, His Honour the Lieutenant Governor doth assent to these bills.

Au nom de Sa Majesté, le lieutenant-gouverneur sanctionne ces projets de loi.

#### BUSINESS OF THE HOUSE

**Hon Mr Conway:** Pursuant to standing order 13, I would like to indicate the business for the House in the week upcoming.

On Monday, the government would like to consider government notice of motion 6 regarding Bill 162, standing in my name, but of course we are respectfully awaiting the decision of the Speaker regarding this motion. Should we be able to proceed, the government would proceed with debate on government notice of motion 6, followed by consideration of Bill 162.

At the conclusion of that debate, time permitting, during the rest of the week we will then proceed with Bill 24, Bill 93 and Bill 194. Any further business will be announced after the normal discussions among House leaders.



On Thursday, in the morning we will consider private members' public business standing in the names of the member for Welland-Thorold (Mr

Kormos) and the member for Durham East (Mr Cureatz).

The House adjourned at 1802.

## ALPHABETICAL LIST OF MEMBERS\*

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**Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC**

- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
 Beer, Charles (York North L)  
 Black, Kenneth H. (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon James J.**, Minister of the Environment (St Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breaugh, Michael J. (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon Elinor**, Minister of Health (Oriole L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
 Collins, Shirley (Wentworth East L)  
**Conway, Hon Sean G.**, Minister of Mines (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L. (Durham East PC)  
**Curling, Hon Alvin**, Minister of Skills Development (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St Catharines-Brock L)  
**Eakins, Hon John F.**, Minister of Municipal Affairs (Victoria-Haliburton L)  
**Edighoffer, Hon Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon Murray J.**, Chairman of the Management Board of Cabinet and Minister of Financial Institutions (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)  
**Fontaine, Hon René**, Minister of Northern Development (Cochrane North L)  
**Fulton, Hon Ed**, Minister of Transportation (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
**Grandmaître, Hon Bernard C.**, Minister of Revenue (Ottawa East L)  
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)  
 Haggerty, Ray (Niagara South L)  
 Hampton, Howard (Rainy River NDP)  
 Harris, Michael D. (Nipissing PC)  
 Hart, Christine E. (York East L)  
 Henderson, D. James (Etobicoke-Humber L)  
**Hošek, Hon Chaviva**, Minister of Housing (Oakwood L)  
 Jackson, Cameron (Burlington South PC)  
 Johnson, Jack (Wellington PC)  
 Johnston, Richard F. (Scarborough West NDP)  
 Kanter, Ron (St Andrew-St Patrick L)  
**Kerrio, Hon Vincent G.**, Minister of Natural Resources (Niagara Falls L)  
 Keyes, Kenneth A. (Kingston and The Islands L)  
 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
**Kwinter, Hon Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
 Laughren, Floyd (Nickel Belt NDP)  
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 Mackenzie, Bob (Hamilton East NDP)  
 Mahoney, Steven W. (Mississauga West L)  
**Mancini, Hon Remo**, Minister without Portfolio (Essex South L)  
 Marland, Margaret (Mississauga South PC)  
 Martel, Shelley (Sudbury East NDP)  
 Matrundola, Gino (Willowdale L)  
 McCague, George R. (Simcoe West PC)  
 McClelland, Carman (Brampton North L)  
 McGuigan, James F. (Essex-Kent L)  
 McGuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)  
**McLeod, Hon Lyn**, Minister of Colleges and Universities (Fort William L)  
 Miclash, Frank (Kenora L)



Miller, Gordon I. (Norfolk L)  
 Morin, Gilles E. (Carleton East L)  
 Morin-Strom, Karl E. (Sault Ste Marie NDP)  
 Neumann, David E. (Brantford L)  
 Nicholas, Cindy (Scarborough Centre L)  
 Nixon, J. Bradford (York Mills L)  
**Nixon, Hon Robert F.**, Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)  
**Oddie Munro, Hon Lily**, Minister of Culture and Communications (Hamilton Centre L)  
 Offer, Steven (Mississauga North L)  
**O'Neil, Hon Hugh P.**, Minister of Tourism and Recreation (Quinte L)  
 O'Neill, Yvonne (Ottawa-Rideau L)  
 Owen, Bruce (Simcoe Centre L)  
**Patten, Hon Richard**, Minister of Government Services (Ottawa Centre L)  
 Pelissero, Harry E. (Lincoln L)  
**Peterson, Hon David R.**, Premier and President of the Council and Minister of Intergovernmental Affairs (London Centre L)  
 Philip, Ed (Etobicoke-Rexdale NDP)  
**Phillips, Hon Gerry**, Minister of Citizenship (Scarborough-Agincourt L)  
 Poirier, Jean, Deputy Speaker and Chairman of the Committees of the Whole House (Prescott and Russell L)  
 Pollock, Jim (Hastings-Peterborough PC)  
 Polsinelli, Claudio (Yorkview L)  
 Poole, Dianne (Eglinton L)  
 Pope, Alan W. (Cochrane South PC)  
 Pouliot, Gilles (Lake Nipigon NDP)  
 Rae, Bob (York South NDP)  
**Ramsay, Hon David**, Minister of Correctional Services (Timiskaming L)  
 Ray, Michael C., Deputy Chairman of the Committees of the Whole House (Windsor-Walkerville L)  
 Reville, David (Riverdale NDP)  
 Reycraft, Douglas R. (Middlesex L)

**Riddell, Hon Jack**, Minister of Agriculture and Food (Huron L)  
 Roberts, Marietta L. D. (Elgin L)  
 Runciman, Robert W. (Leeds-Grenville PC)  
 Ruprecht, Tony (Parkdale L)  
**Scott, Hon Ian G.**, Attorney General and acting Solicitor General and minister responsible for native affairs (St George-St David L)  
 Smith, David W. (Lambton L)  
 Smith, E. Joan, (London South L)  
 Sola, John (Mississauga East L)  
**Sorbara, Hon Gregory S.**, Minister of Labour (York Centre L)  
 South, Larry (Frontenac-Addington L)  
 Sterling, Norman W. (Carleton PC)  
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**Sweeney, Hon John**, Minister of Community and Social Services (Kitchener-Wilmot L)  
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**Ward, Hon Christopher C.**, Minister of Education (Wentworth North L)  
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\*The alphabetical list of members appears in each issue. Lists of the members of the executive council, parliamentary assistants and members of committees, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.

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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Second Session, 34th Parliament**  
Monday 17 July 1989



Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 17 July 1989

The House met at 1330.

Prayers.

## MEMBERS' STATEMENTS

### LANDLORDS' RESTRICTIONS ON PETS

**Mr Philip:** In January, I raised the issue in the Legislature concerning how responsible tenants, including many disabled people and seniors, were being threatened with eviction due to the inclusion of "no pets" clauses in their leases by their corporate landlords.

The Attorney General (Mr Scott) showed complete insensitivity when he replied, "Those people must decide sooner or later whether they wish to keep pets or not." Now one couple has lost its rental accommodation as a result of a Supreme Court of Ontario decision. According to the Toronto Humane Society, tenants in 26 rental buildings have been threatened with losing their accommodation unless they dispose of their pets.

Spokespersons for the Federation of Metro Tenants' Associations claim that hundreds of thousands of tenants now face the possibility of losing their rental homes, thanks to the minister's failure to act.

Bill 214 and Bill 38, which I introduced, provide a solution. On 17 January, the Attorney General wrote to the Toronto Humane Society promising to consider legislation to deal with the situation. Today, exactly seven months later, the minister has failed to keep his promise. He has failed to introduce legislation and amendments to the Landlord and Tenant Act to protect the tenants.

I ask the Liberal government where it has been for seven months. Why are the Tridels of this world so much more important than the tenants of Ontario?

### FARM TAX REBATE

**Mr Runciman:** Ontario's farm organizations and farmers are only now beginning to show their anger at this government's cutbacks to the farm property tax rebate program. Members will know that in this government's desire to cut agricultural spending, the farm property tax rebate program will lose \$23 million this year.

This reduction comes with absolutely no prior discussion with farmers or farm groups. While that in itself is inexcusable, the government has failed to take into account two groups of farmers that will be particularly hard hit. The smallest group is that of single-parent farmers with off-farm income. These single parents have no bookkeeping tricks that they can resort to in order to avoid having their tax rebate reduced.

Individuals with jobs in teaching, for example, will be affected by the \$40,000 off-farm income trigger. The larger group consists of newer farmers and those who are considerably in debt and who require substantial off-farm income to build up their equity in the farm.

It is certainly ironic that the same government which two years ago was advertising its Ontario Farm Start program for new farmers is now taking steps to make it harder for farmers to gain full ownership of their farms. The Ontario Federation of Agriculture has asked the Premier to continue the program unchanged this year while entering into a dialogue on the objectives of the program. We suggest that the government accept that proposal.

### METROPOLITAN TORONTO POLICE FORCE

**Mr Polsinelli:** We all know the important role that police officers have in maintaining law and order in our communities and the challenges they face on a daily basis. But how often have we asked ourselves what it would be like to do their job?

Last Friday night, I had the opportunity to experience at first hand what it is like to be a cop on the beat. My eight hours in a patrol car with Staff Inspector Julian Fantino increased my awareness of the problems in my riding and also my appreciation of the excellent police force we have in Metropolitan Toronto.

At 11:37 pm, we intercepted a call from dispatch. Thieves who had broken into the caller's apartment three days prior had gone back and were arguing with her. In the middle of her call to police, the phone line went dead. We were the closest police car so we headed immediately for the apartment. Not knowing whether the intruders were armed or dangerous, our only



concern was to get there as quickly as possible to render assistance.

For me, this was a new experience. For police officers, it is an everyday occurrence. Every call they respond to is potentially life-threatening and they must be on their guard. We were the first cruiser on the scene and as it turned out it was another false alarm, but the emotions I experienced were none the less real.

I compliment Staff Inspector Julian Fantino, 31 Division and the officers of the Metropolitan Toronto Police Force as the unsung heroes of our community.

Interjections.

**The Speaker:** Order.

#### RAILWAY PIGGYBACK OPERATION

**Mr Kormos:** I want to tell the members of this House a little about what is happening down in Dain city. Dain city is the southernmost part of Welland-Thorold riding and it is a unique residential community that has a strong sense of neighbourhood. It has lifelong residents and young families with little children. It should be just about the best place anywhere to live and raise your kids; and it would be, if it were not for the railway piggyback operation, the intermodal operation located in the heart of Dain city.

For 16 years the people of Dain city have lived with continuous shunting of rail cars, locomotives idling, lengthy road blockages and heavy transport truck traffic. Sixteen years ago, Norfolk-Southern, an American company, moved its operation there. Many in Dain city say that they were told then that it was only going to be temporary. It has been temporary for 16 years.

People complained, city hall passed resolutions and now, notwithstanding that, Norfolk-Southern has announced an expansion that will increase the volume: the noise, the vibration, the road blockages and the dangers. Every once in a while an executive comes up from Atlanta, Georgia, to tell the people of Dain city that frankly Norfolk-Southern does not give a damn. Well, the people of Dain city do.

Their patient complaints have turned into a community organization called Concerned Citizens against the Piggyback. It has the competent and articulate leadership of Ann Woods. It has 100 per cent support of myself and their city councillors, John Trufal and Sue Noyes.

I know that all members of this House will join me in complimenting the concerned citizens, not just for their courage and perseverance but because what they are doing is what is right.

1340

#### LANDFILL SITE

**Mr McCague:** Today, there are reports of an expansion of a privately owned landfill in south Simcoe, the Innisfil landfill. This particular site has a history of having accepted contaminated industrial waste, of causing chemical contamination of the local water supply and of being charged by the Ministry of the Environment with 22 breaches of the provincial environmental laws.

In 1987, when local residents found chemicals seeping from the ground, the Minister of the Environment (Mr Bradley) ordered the owners to prepare a plan to clean up contamination and eventually close the dump. Now, rather than a plan for closure, we see the owner wants to expand: an expansion that would allow the Innisfil landfill to accept up to 2,000 tonnes of municipal waste every day from anywhere in southern Ontario.

It is obvious that the owner of this dump wants to get a piece of the greater Toronto area action. Metropolitan Toronto will soon have nowhere to put its garbage and a privately owned dump could be part of the solution, especially if the minister decides to bypass the environmental assessment process.

The owner of the site may say that this is just a renewal of the certificate that he presently has. But it is not just a renewal; it is a significant expansion. The ministry must recognize this now and must apply its own law. Where the service area is enlarged significantly, a hearing is mandatory. This privately owned dump should not receive any favours from the Liberal government and should not be excused from the Environmental Assessment Act.

#### LANDLORDS' RESTRICTIONS ON PETS

**Mr Kanter:** A number of tenants in my riding are afraid they will be evicted from their apartments simply because they own pets. Until recently, judges generally looked at evidence of the behaviour of pets before deciding whether to issue a writ of possession or not. However, in the case of *Cassandra v Ryll*, a district court judge looked primarily at the terms of a standard form lease, rather than the behaviour of the pet in question. As the judge said in that case, "Admittedly, Fluffy was not a troublesome cat."

As a result of that decision, some landlords are threatening to evict all tenants with pets. Some tenants have told me they would seek legal



advice and fight eviction attempts; others would attempt to negotiate with their landlords.

I believe that one way to resolve this problem is to amend the Landlord and Tenant Act. The act should protect tenants with well-behaved pets from eviction. Judges should be encouraged to examine the nature of a tenant's conduct or that of his pets.

I have written to the Attorney General (Mr Scott) asking for a meeting on this subject. I will be proposing an amendment to the Landlord and Tenant Act to restore the balance of rights between tenants with pets, tenants without pets and landlords.

#### NORTHERN HEALTH SERVICES

**Mr Reville:** On Thursday last, the member for Wentworth East (Ms Collins) presented a resolution to this House which was ostensibly in aid of people with mental health problems who require treatment. Her solution was that the Mental Health Act required amendments so that people who are not now getting treatment could be forced to have treatment.

I think her solution is both wrong-headed and contrary to the policy of the government. But what worries me is that the government has carriage over all the provincial psychiatric hospitals. The Lakehead Psychiatric Hospital is short eight psychiatrists and 22 nurses, so that the people whom the member for Wentworth East would like to get into the hospital will have no one there to treat them.

It is a sad fact that, across the northwest and the northeast, there is a great shortage of health professionals generally, and mental health professionals in particular, for both adults and children. When is this government going to wake up to its responsibility?

#### MEMBER FOR MISSISSAUGA WEST

**The Speaker:** Before I call the next order of business, I would like to respond to the point of privilege raised the other day by the member for Mississauga West (Mr Mahoney).

Last Wednesday, the honourable member for Mississauga West raised a question of privilege with respect to allegations that had been made by the honourable Leader of the Opposition (Mr B. Rae) in question period the day before. I listened carefully to the honourable member the other day, as well as to the honourable Leader of the Opposition, and I have read over attentively the notes used by the honourable member for Mississauga West when he was speaking on this point last week.

After examining the words of the Leader of the Opposition in question period last Tuesday, when he was asking a supplementary question of the Premier (Mr Peterson) on the activities of the member for Mississauga West, I find that, at most, there exists a disagreement between the two honourable members as to the facts.

As for the main part of the presentation of the member for Mississauga West, which deals with a press release issued by the Leader of the Opposition, I must find that this pertains to statements made outside the House and therefore cannot form the basis of privilege inside the House. I am certain that the honourable member knows what his rights are in relation to statements made outside the House.

In support of these two reasons, I quote Beauchesne's 6th edition, page 13, numbers 31(1) and (3), which read as follows:

"(1) A dispute arising between two members, as to allegations of facts, does not fulfill the conditions of parliamentary privilege."

"(3) Statements made outside the House by a member may not be used as the basis for a question of privilege."

In conclusion, therefore, I cannot find a *prima facie* case of privilege.

#### STATEMENTS BY THE MINISTRY

##### LAND USE PLANNING FOR HOUSING

##### TERRAINS DESTINÉS AU DÉVELOPPEMENT RÉSIDENTIEL

**Hon Mr Eakins:** I am pleased today to release, with my colleague the Minister of Housing (Ms Hošek), the policy statement on land use planning for housing.

The concept of policy statements was included in the Planning Act at the suggestion of municipalities which wanted clearer guidelines on provincial government goals. The policy statement, which my colleague will describe in detail, will steer the land use approvals process towards providing a full range of housing choices for all Ontario residents.

Certainly the creation of a sufficient supply of affordable housing is an important goal. Many are working to help meet this need, including many in municipal government. In several municipalities, we have seen exemplary efforts to deal with the housing shortage. But the housing problem is not one that can be solved by a positive decision here or a progressive stand there. The need for housing does not suddenly stop at any municipal boundary, and that is why the province must ensure that the provisions of



the policy statement are carried out to make it work.

All municipalities share in the benefits that flow from regional economic growth; all municipalities must help solve the problems that stem from this growth. We must all work together. Each municipality must allow its fair share of housing to be built to meet the needs of the broader community.

That is why we are putting the policy statement into effect. It will ensure that housing goals are part of the planning process in Ontario. This policy will guide land use planning by municipalities as well as decisions made by the Ontario Municipal Board and government ministries.

Before I discuss a couple of the steps we are taking to ensure full implementation of the policy, I would like to thank the many groups and individuals who responded to the draft statement we issued last year. We received more than 230 submissions, including more than 140 from municipal governments. Officials of the ministries of Municipal Affairs and Housing conducted 16 public meetings across the province and met with representatives of many groups to discuss the proposed statement and to listen to comments and suggestions.

All points of view were carefully considered. As a result of the feedback we received, a number of changes were introduced, such as more appropriate implementation requirements for most townships and villages with a population of less than 5,000.

Now that the policy statement is in place, we are determined to do everything necessary to ensure that it accomplishes its goals firmly but fairly. The province will provide assistance to municipalities to implement the statement.

I am pleased to point out that funds are already available under the municipal housing statement and community planning grant programs to undertake the work leading to the development of local land use planning policies relating to housing. We intend to encourage municipalities to take advantage of this.

As the Treasurer (Mr R. F. Nixon) indicated in the budget, \$2 billion will be provided for transportation, including roads, highways and municipal transit.

The government, working together with municipalities, will use the tools at our disposal to find the best ways to make this policy a success. We are confident that municipalities will implement this policy in a co-operative spirit.

**Hon Ms Hošek:** I am pleased to join my colleague in issuing a policy statement of land

use planning for housing. All members are aware of the housing needs in this province. Too many people are unable to afford a decent place to live and too few families are able to purchase a modest starter home.

The government has taken several measures to create housing, including the funding of 55,000 nonprofit units as well as making government lands available for housing as a first priority. But this problem is one that must be attacked on several fronts by different levels of government and the private and nonprofit sectors.

### 1350

The land use planning process is one of the most important fronts. The planning process must be turned into an engine to drive the creation of housing rather than a hand brake to slow it down. The policy statement can give new momentum to the creation of affordable housing. Even in draft form, it has already triggered new housing strategies and policies in several municipalities. It already has had an impact on a number of Ontario Municipal Board decisions.

In its finalized form, the policy statement pursues its goal in the following ways:

D'abord, les municipalités sont tenues en tout temps de désigner, dans leurs plans officiels, une réserve de terrains destinés au développement résidentiel d'au moins dix ans. Ces plans officiels, des régions ainsi que des municipalités, préciseront également comment offrir les services essentiels pour une croissance à long terme. Les municipalités disposeront aussi, en tout temps, d'un stock de trois ans, de lotissements approuvés à l'étape de l'ébauche ou à l'étape enregistrée.

Deuxièmement, les plans officiels et le zonage seront révisés pour fournir une grande variété de genre et de type de logements intégrés dans la communauté. Ces logements doivent représenter la gamme entière des besoins de tout le monde.

First, municipalities are required to designate in their official plans a 10-year supply of land for residential development at all times. Official plans of regions as well as municipalities will identify how services essential to long-term growth can be provided. Municipalities also will have at all times a three-year supply of lots at the draft-approved or registered stage.

Second, official plans and zoning will be revised to provide for a wide range of housing forms and types integrated throughout the community. This housing must address the full spectrum of the needs of all people. Of the new housing that is created, an overall component of 25 per cent is to be geared to moderate- and



low-income families and individuals at appropriate densities and sizes.

Third, the land use planning process will be streamlined. Municipalities will be required to process applications for the development of housing as quickly as possible and target approval times will be incorporated into the official plans.

Fourth, better use will be made of existing buildings and established areas to create additional units. Official plans and zoning bylaws will permit self-contained units in single-family homes as well as other forms of residential intensification in areas with physical potential, essential services and prospective demand.

This policy statement will have immediate impact on planning decisions in the province. However, the need for housing is obviously not identical in every part of Ontario. In order to address the most pressing needs, all of this policy statement's provisions will be fully implemented as soon as possible in areas where growth pressures are greatest and housing shortages most acute. Those areas are the regional municipalities of Metropolitan Toronto, Durham, York, Peel, Halton, Hamilton-Wentworth, Ottawa-Carleton, Niagara and Waterloo, the municipalities within these regions and all municipalities within the census metropolitan areas of London, Toronto and Windsor.

These regions and municipalities will approve a work program to implement the full intent of the policy statement by November of this year and will conduct a public meeting to consider necessary official plan revisions by 1 August of next year. In the meantime, they will adopt official plan and zoning bylaw provisions to fully implement this policy statement by 1 August 1991.

In most other municipalities, the policy statement will be fully implemented over the course of the next five years as official plans are routinely updated. Townships and villages with populations of fewer than 5,000 may use alternative approaches to reflect the principles and fulfil the objectives of the policy statement, unless those townships or villages are bounded by a township with more than 5,000 people or if they are in one of the priority areas.

I want to add just one final comment. Some have asked us how firm will the province be in ensuring that the provisions of this policy statement are carried out. We will be as firm as we have to be to make it work. Today we are taking essential actions. This policy statement

sets the stage for governments to remove obstacles and replace them with opportunities.

## RESPONSES

### LAND USE PLANNING FOR HOUSING

**Mr Reville:** I am pleased to respond on behalf of the New Democratic caucus at Queen's Park to the statements made today by the Minister of Municipal Affairs (Mr Eakins) and the Minister of Housing (Ms Hošek). In her final statement, the Minister of Housing said she was taking essential actions. It is hard to know whether these are actions and it is difficult to know whether in fact they would amount to essential actions.

David Thornley, of the Social Planning Council of Metropolitan Toronto, who at one time was enlisted by this government to support its policy, has already denounced this policy by indicating that it makes a presumption that is almost pathetic. What it says is that this government is prepared to accept the fact that 75 per cent of all the new housing built or all that housing created through intensification will be beyond the means of most of the people who live in this province. Of course, knowing as we do how social housing works, only half of that 25 per cent which is the target that the minister and this government think is adequate, in fact 12.5 per cent, of all new construction or intensification will be truly affordable.

That is not good enough. The Affordable Housing Action Group recommended to this government that 60 per cent of housing should be affordable to households with an income of less than \$50,000 a year. That is a modest enough goal, but it is a goal under which the government has fallen by far too much.

For those who have tried over the years to actually get affordable housing in place, there is some scepticism about trying to create housing through the official plan mechanism. The city of Toronto, as some people may know, for a number of years had a 25 per cent goal of affordable housing in the official plan. Of course, as the winds blew and the provincial government of the day and then the federal governments of the day got bored with social housing, the municipal council was approached by developers who said, "Yes, we will build the 25 per cent affordable housing if we can get a program that will subsidize it." Of course, those programs did not exist, and clearly we have not seen any indication from this government that those programs will exist in the future.

What then happens is that a developer assembles a plot of land, the official plan



amendment goes through indicating that 25 per cent of that development will be affordable, an application is made to the level of government that is at that time interested in affordable housing and the application is turned down. What happens is that the developer comes back to the council tugging his or her forelock and says, "I can't do it." The council says: "Oh dear, that's terrible. I guess it will all have to be what we call nonaffordable housing."

In fact, we have seen that happen within a stone's throw of this building in buildings in which members of this Legislature actually live. They were designated as part of the commitment to affordable housing and, of course, have been turned into hotel or condominium suites and in fact did not create even a single unit of affordable housing.

Likewise, the time line that the minister contemplates is unrealistic. It is not going to be possible for Metropolitan Toronto council to meet the kind of time line that the minister envisages, and it makes one wonder whether there has been any consultation there.

As everybody knows, Metro council is all tangled up trying to imagine what to do about property tax. In terms of its coming to grips with a housing policy this major, it is difficult to imagine.

Some of the requirements in the minister's policy statement are obviously absurd. Is the city of Toronto going to designate its 10-year supply of residential development in Ignace or is it perhaps going to take industrial or commercial lands that are needed to create assessment, particularly as a government such as this keeps dumping more and more of the burdens on property tax? This is far too little far too late, and whether it all comes off is very speculative.

**I400**

**Mr McCague:** That was an interesting statement today from the Minister of Municipal Affairs and the Minister of Housing. I am sure the ministers will realize that this statement and its implementation should get them through until the next election. I am sure they also realize that dumping this whole problem on to the municipalities is just one way of getting out of the responsibilities they really have. It is really an admission that they cannot handle the desire for affordable housing themselves. I believe it is just unworkable.

The Minister of Housing says in her statement that the municipalities are required to designate a 10-year supply of land for residential development in their official plans. Surely the Minister of

Housing knows that there are many municipalities in this province which do not have a 10-year supply of land within their boundaries and that the Minister of Municipal Affairs has great problems solving those annexation problems or local study problems that are facing many municipalities in this province. The minister has been well informed by the Association of Municipalities of Ontario as to their comments surrounding this whole policy, be it his ministry or the Ministry of Housing.

They are not very happy that there is not an attempt to deal with the housing shortage by controlling the municipal options and land use planning. As was the case with Sunday shopping, the government has passed the responsibility for affordable housing on to the municipalities without committing itself to the requisite funding for all this. It does require a 10-year capital plan for servicing new residential development, but there is no longer a provincial commitment to infrastructure for this. Intensification will create an additional burden on municipal infrastructure.

The policy statement applies to all municipalities, regardless of whether an affordable housing shortage exists in the region. Rural municipalities require large lots to accommodate septic tanks, thus they will not be able to build affordable housing units without infrastructure funding to build new sewers. AMO feels that the ministers' policy statement could significantly alter the relationship between the two levels of government by eroding the traditional autonomous role played by municipalities in municipal land use planning.

I hope the two ministers can skid along and slide along until the next election. I do not believe they can; they have not done anything.

**Mr Brandt:** The tag team announcement by the Minister of Municipal Affairs and the Minister of Housing that we have heard this afternoon is an interesting one. I have to say that if I were either the Minister of Housing or the Minister of Municipal Affairs, I would want to share the blame with someone else, as well, in connection with housing policy in this province. There is not one single thing in this statement which assists with respect to the overall problem we face here in Ontario with regard to housing, and that is affordability.

There is nothing in this statement that is going to assist people to purchase their own homes; there is nothing in this statement which indicates any concern or any commitment on the part of the government with respect to servicing of lots, which is one of the most effective ways of



bringing housing on stream more quickly. It is interesting to note that there is some passing comment made about the approval process for housing in this province and for subdivision plans. One of the things this government can use virtually immediately in order to bring down the cost of housing without any contribution, without any additional money on the part of the government, is to streamline and speed up the approval process for subdivisions.

The bureaucracy that is in place now is absolutely unacceptable to us on this side of the House. It is adding very substantially to the cost of housing, virtually on a daily basis. You know, it is absolutely ridiculous when you realize that in the Metropolitan Toronto area you literally cannot buy a home at this particular point for much less than some \$300,000. The vast majority of people in this area simply cannot afford that kind of housing, and a lot if it has to do with the bureaucratic red tape that is in existence on that side of the House.

## ORAL QUESTIONS

### WASTE MANAGEMENT

**Mr B. Rae:** I have a question for the Premier. Several times since the Premier's session outlining the greater Toronto area process in March, we have heard from several different companies that are apparently interested in bidding on this contract once it is proposed. I wonder if the Premier can tell us what steps his government has taken to encourage the launch of a public sector bid for the disposal of garbage within the greater Toronto area.

**Hon Mr Peterson:** I will explain the process to my honourable friend. As he knows, it is new. It is not creating a new level of government, but it is an attempt by the provincial government to assist the regions in co-ordinating their own individual problems. As my honourable friend knows, each of the regions has problems, in varying degrees, with landfill and waste disposal.

I met with the regional chairmen some months ago. They agreed to look at some common approaches. We agreed to assist, if possible, and co-ordinate, recognizing that the authority was theirs. It is not the province's; it is the regions'. There have been a variety of discussions, as the member knows. A number of people and corporations feel they have something to add to the whole discussion. So at some point in the future there may be a request for some kind of—not even proposals at this stage—an expression of interest from various different groups,

including the regions, on what they feel they should do in the private sector and in the public sector.

No decision has been made to necessarily involve the private sector. If so, how? It may be involved in consortia; it may not. It may be a completely public sector venture. They may come to the provincial government and request us to set up a central authority in their name. At this point, one cannot make any judgement about how the regional chairmen and their councils, which are currently engaged in a very broad discussion—

**The Speaker:** Order. Thank you. It seems like a fairly lengthy response.

**Mr B. Rae:** The process is further under way than the Premier has indicated. He will know full well that in the plan that was announced by him at the press conference, which he chaired and at which he spoke back in March, a process was set up whereby a contract would be offered, whereby bids would be forthcoming and whereby expressions of interest would be asked for.

Specifically, the Premier will know, from looking at the North American experience, the importance of getting this thing right and of what happens when you get it wrong. When a private sector monopoly takes over, there are all kinds of problems with respect to cost and a number of other things.

What steps, what encouragement has the government of Ontario given, not to a particular company like Envacc or anybody else, but to a public sector group that would be able to make an effective bid to deal with southern Ontario's garbage?

**Hon Mr Peterson:** I can tell my honourable friend that the regions are all involved in this. They all have various services at the present time, as he knows. Most of them have their own landfills and they can easily come back and say, "We think we should do an amalgam of all these resources." Those decisions have not been made.

I think where my honourable friend is a trifle mistaken is that he tries to give the impression that some decision has already been made on this matter. That is a very long way from the truth. No decision has been made. There are wide consultations going on. He has heard, and has quoted, regional chairmen saying different things. He has heard regional councillors taking different approaches to this matter. That is the way it should be.

There is wide discussion now going on in all of the regions. If there is any unanimity or if there is any common will, some time in the future they



will come back and discuss that and share that with their colleagues. Surely this is the most democratic of procedures, and I think my honourable friend, at another time, might want to stand up and say it himself.

**1410**

**Mr B. Rae:** I would not hold my breath for that. But what I would like to just confirm with the Premier is that what, in effect, he is saying is that there will be bids or expressions of interest coming from whoever wants to express an interest, but that the government of Ontario is taking no practical steps itself to ensure that there will be a public sector proposal that will be put before the GTA group when it comes to dealing with garbage. Is that not in fact what the Premier is saying?

**Hon Mr Peterson:** I think it is far too premature to judge these matters. If the member is suggesting that the government of the province of Ontario go in and take over the whole question, he should stand up and say so. That is not at the moment being contemplated. The regions will come forward with their views on this matter. As I said before, they are looking for expressions of interest. There is a very wide range of groups and individuals who possibly have some expertise to lend to this very broad discussion.

We are not deviating in any way from the principles and the leadership this government has shown with respect to recycling. I remind my honourable friend that Ontario, thanks to the Minister of the Environment (Mr Bradley), is the leading jurisdiction in recycling in North America today. I do not expect the Leader of the Opposition (Mr B. Rae) to stand up and admit it, but I tell him that is the fact.

In terms of the extent and the announced very ambitious targets, we are going to continue with separation at source, we are going to continue with the leadership that has been demonstrated. It is a program that has come a very long way in a very short space of time.

I do not expect the Leader of the Opposition, being sometimes a little parsimonious of spirit, to stand up in this House and give the government credit, but I can tell him we are going to continue with that because we believe it is the way to go in the future.

**Mr B. Rae:** The Premier is simply whistling in the wind.

#### NATIVE LAND CLAIM

**Mr B. Rae:** The question that I have for the Premier is this: It is my understanding from

discussions that members of my staff have had with Chief Potts of the Teme-Augama Anishnabai band that Chief Potts made a proposal with respect to the Bear Island situation to the cabinet back in June. He made a very practical six-point proposal for settling the land claim dispute between his band and the government of Ontario.

The Premier will know that his counterpart, Mr Getty, the Premier of Alberta, has intervened in the Lubicon dispute. He will know that other deals are being negotiated, treaties are being negotiated, land claims are being negotiated by heads of governments and various bands.

**The Speaker:** The question?

**Mr B. Rae:** I wonder if the Premier can tell us what was his response and the response of the government of Ontario to the particular proposal put forward by Chief Potts.

**Hon Mr Peterson:** The Attorney General (Mr Scott), the minister responsible for native affairs, who has really put forward the first proposal, is not here, so I think the Minister of Natural Resources could help my honourable friend out.

**Hon Mr Kerrio:** I feel very pleased that this government has set up a cabinet committee on native affairs under the able leadership of the Attorney General.

The member knows as well as I do that there have been very meaningful negotiations made and very meaningful offers made to the natives in that area. I am disappointed, as many people are, that they did not see fit to accept what we felt was a very exemplary offer of a land base for their reservation, of moneys to do with what they would. The member must be aware of those kinds of negotiations that have been long ongoing. Even after there was some settlement in the courts, we were still prepared to go on and make what I thought was a very reasonable offer on behalf of the government and the people of Ontario.

**Mr B. Rae:** It is my understanding from Chief Potts that the band made a six-point proposal that involved six months of exploratory discussions on a framework for negotiations, funding for the same, a framework for fully meaningful settlement discussions, no prejudice of the Supreme Court process, approval by the band membership and a moratorium on the Goulard and Red Squirrel roads for six months as a gesture of good faith.

I further understand that this was discussed by the cabinet committee on 12 June; the cabinet looked at it on 14 June; the cabinet committee met again on 15 June, and the cabinet turned it



down on 21 June, a decision that was reported to the Teme-Augama Anishnabai band administrator on 23 June 1989.

This is a historic decision by the government of Ontario to turn down a framework of discussion put forward by the band, the first time the band has come forward with a comprehensive proposal for a framework for settlement, and this cabinet turned it down. Now, is the minister telling me that Chief Potts is right or wrong when he says what he said on Friday?

**Hon Mr Kerrio:** I think there are many things that have not been said in this whole discussion. One of them is what happens if you put a moratorium on the very important work that needs to be done after we have gone through all the hurdles of many involvements with courts and injunctions and all of those things—because, remember, the natives decided to go that route and we have no problem with that if they want to discuss and settle some of these issues in court. That is precisely what happened.

Subsequent to that, we made them an offer when we set up the whole process of a group under Dr Daniel to study that situation, and they were not prepared to sit on that advisory committee. So we have reached out to the natives many, many times. I do everything I can in my Ministry of Natural Resources to accommodate them: third party involvement with lumbering and doing all of those things.

But to decide that you should have a moratorium while you speak is making a very important decision. We were not prepared to do that. We still are very much prepared to talk to our first citizens on important issues and do the things that need to be done to manage our forests and our wildlife. We are still very ready to do that at any time.

**Mr B. Rae:** I take it then that the minister is admitting that the facts as set out by Chief Potts are correct: that he made a proposal for a comprehensive framework for settlement and that this was rejected by the cabinet and communicated to the band on 23 June.

By way of final supplementary to the minister: Can he explain why his government is so out of step? This government is out of step not only with what is going on across Canada in terms of native land settlements, but out of step even with the communiqué issued by the leaders of the G-7 just this morning in Paris, where they talked in particular about the dangers to our environment of cutting down forests, particularly old forests which are particularly valuable across the country.

As well, this government is out of step with all the proposals made by environmental groups to the government of Canada in terms of protecting our old forests. Why is the government so far out of step with these developments?

**Hon Mr Kerrio:** As I have already described, it is very plain that if you demand a moratorium before you can sit down and discuss an issue, you have made a very important decision that you should not have to make until after the discussions. I find it hard to believe that—

**Mr B. Rae:** There will be nothing left to negotiate if you do not stop cutting down the trees.

**Hon Mr Kerrio:** Is the member going to keep yapping or listen to the answer? I am suggesting that if you have a moratorium you are making a decision before you are allowed to sit down and talk about the facts of the matter. I said right along that we are very much prepared to do that, and we have made an offer to Chief Potts to sit on our advisory committee in the area and he refused to do that.

But I am suggesting to the member that, in view of all these facts, of going to the courts and doing all those things in that fashion, this government is very much prepared to sit down with Chief Potts to see how management can be carried out, subsequent to a class environmental assessment, where this government has made a bigger commitment to managing our forests than any in the history of this province.

We are prepared to sit down and deal with all of the people who are going to be impacted by our forestry practices. I feel pretty proud that that is the direction we are going and I hope Potts will co-operate.

#### PREMIER'S OFFICE LEGAL COUNSEL

**Mr Brandt:** My question is for the Premier and it relates to the staffing of certain government positions. Last week, we did in fact discuss a \$60,000 man who could not be found and who did not have an office or even a desk in this building, to the best of our knowledge, up until about a week ago. We are also advised now that the Premier has hired his own exclusive legal counsel in the person of Stephen Goudge to handle the internal aspects of the inquiry on his behalf.

But the Attorney General (Mr Scott) also advised in his response to me last week that Mr Goudge will in fact have an assistant who will work along with him in this respect. So not only do we have a legal counsel; we have an assistant to the legal counsel. I wonder if the Premier



could tell us who that is and what that individual's responsibility will be.

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**Hon Mr Peterson:** As the member knows, when the allegations were made, the office retained legal counsel to advise the office, particularly with respect to documents and things of that nature. I cannot tell the member all the details of that contract, but we can certainly find that out for my honourable friend.

**Mr Brandt:** I want to be helpful to the Premier. Is he indicating that he does not know the name of the individual who is going to be working with Mr Goudge, who will be working out of the Premier's office? If in fact that information is not available to him, then I would appreciate receiving it at some early point in time, if possible.

But I wonder if the Premier could indicate what he estimates the cost of this legal counsel is going to be. I anticipate it will be paid for by the taxpayers of Ontario so, rightfully, that information should be shared with the citizens of Ontario.

Would the Premier also indicate who these two individuals will report to directly?

**Hon Mr Peterson:** They are retained by the office. Ultimately they will report to me, because I assume the ultimate responsibility for these matters. Mr Goudge was retained, and I do not think that precludes him from drawing on any other support services he needs inside his own law firm.

**Mr Brandt:** Our point is simply this: We are involved in some rather extensive costs relative to the inquiry. The Premier has chosen, which is his prerogative, to have his representation on the part of Stephen Goudge carried out from his office. We now find out that there is an assistant to Mr Goudge who will also be paid by the Premier's office.

The point that I want to make with the Premier is simply this: We would like to have some indication of who these people report to—he has indicated to himself, that that will be their responsibility—but also some indication of what the cost is going to be for the legal assistance that the Premier will be receiving in his office from these individuals. Can he give us any kind of an estimate whatsoever?

**Hon Mr Peterson:** I wish I could assist my honourable friend in that regard, but certainly when the bills are in I would be very happy to share them with him. It will all be a matter of

public knowledge and indeed will be in the estimates of my office.

**Mr Brandt:** We will look forward to getting that.

#### TAXATION

**Mr Brandt:** I want to raise another question with the Premier and it also relates to costs. I think we in this House have to be somewhat concerned about some of the latest Statistics Canada figures that have come out, indicating that the Metropolitan Toronto area is fully one per cent above the national average in terms of the rate of inflation; some 6.4 per cent, as opposed to 5.4 per cent across the province.

In spite of that, the Treasurer, that benevolent individual who sits next to the Premier, in fact brought in extensive new taxes on Metro, some of which involved the automotive registration fees as well as the commercial concentration tax.

Does the Premier not concern himself with the fact that Toronto and the Metro Toronto area now lead the entire country in terms of inflation, and in all probability that gap is going to widen as a direct result of these additional taxes?

**Hon Mr Peterson:** I think the Treasurer can help my honourable friend.

**Hon R. F. Nixon:** I think the honourable leader of the third party, having perused the budget carefully, would know, as all thinking citizens know, that this most recent budget returns \$1 billion to the people of the province by way of the removal of Ontario health insurance plan premiums.

For individuals who pay their own for their family, that is \$715 they do not have to pay. For the rest of us, like myself and the honourable leader of the third party, whose employers pay it for us, this is no longer a taxable benefit and he will pay about \$300 to \$350 less in income tax when he gets around to paying his income tax next year.

As a matter of fact, this really means that in spite of the indication that the honourable member has made that somehow or other this budget is a ripoff on the taxpayers, it is not. In fact, on a net basis, there are over \$400 million put back into the pockets of the taxpayers. On that basis, it is not inflationary, other than the fact that it puts more money in the pockets of the consumers and gives them a good deal more flexibility.

**Mr Brandt:** On a number of occasions the Treasurer has talked about the fact that this budget puts some \$1 billion back into the consumer's pocketbook. He fails to mention,



even by way of passing reference, that his budget takes an additional \$500 million in a payroll tax out of the Ontario economy and that it is in fact absolutely correct to state that the most serious inflationary factor in our economy today is government spending.

The government that is spending the most of any government in the entire country is this government. How can the Treasurer possibly stand up and say he is putting more money into the taxpayer's pocket, when he is taking more money out with every tax bill that he passes?

**Hon R. F. Nixon:** It is difficult for me to understand the way the leader of the Conservative Party gets exercised about this matter, which I agree is important, because it is the Progressive Conservative government of Canada that has increased its deficit to beyond \$30 billion this year, while our deficit is at a record low.

As a matter of fact, the honourable member would know that our deficit could be paid off in five days of our revenue. In this instance, we are in fact contributing mightily not only to the fiscal stability of this province but to the stability of the country.

**Mr Brandt:** Let me tell the Treasurer about his fiscal stability. The Fraser Institute now indicates that the period of time required to pay the taxes in Ontario, when we compare all provinces, is the longest in Canada. It takes longer to pay the taxes here than anywhere else.

I would like the Treasurer to indicate to me any other provincial government that is spending at anywhere near the increased rate at which this government is spending. No one compares.

**Hon R. F. Nixon:** I think the honourable member should be aware that the policy of this government is to pay our bills as we go. As far as this government is concerned, we are reducing our deficit. Some of the other governments have decided to simply put it on the bottom line, as the federal government is doing, rather than take the tough decisions in order to see that the people who benefit from the programs get the opportunity to pay for them.

Nobody likes to pay for these programs, but the sensible people in the province realize that there is a fair and equitable balance distributed among all of us as taxpayers that provides for our excellent medical services, our good educational program, our new roads initiatives and our programs designed to clean up the environment.

#### LANDLORDS' RESTRICTIONS ON PETS

**Mr Philip:** In the absence of the Attorney General (Mr Scott), who is responsible for the

Landlord and Tenant Act, I have a question of the Minister of Housing. In January, I raised the issue in the Legislature concerning how responsible tenants, including many disabled people and seniors, were being threatened with eviction due to the inclusion of "no pets" clauses in their leases.

Now that we have a Supreme Court decision that in fact has deprived one family of its leased rental accommodation and now that the Toronto Humane Society claims that there are tenants in 26 buildings in the city who have been threatened with either disposing of their pets or being evicted, what is the position of the Minister of Housing on "no pets" clauses in leases?

**Hon Ms Hošek:** The member has indeed raised this question before, and also during estimates. He also knows that decisions of this sort are under the jurisdiction of the Ministry of the Attorney General. I will be very glad to pass his concerns on to the Attorney General when he comes back. I understand some of the concerns that he is raising.

**Mr Philip:** This is the Minister of Housing. She promised to pass on my views months ago when I raised the issue during her estimates. One has to ask, as the Minister of Housing, what is her position? Does she agree with the Federation of Metro Tenants' Associations that now is claiming that hundreds of thousands of tenants are going to be facing eviction as a result of this government failing to act?

Does the minister not understand that seven months ago to this day, her colleague the Attorney General promised the Toronto Humane Society to consider legislation? Why has it taken the government seven months to act on this serious cause that tenants are complaining about?

**Hon Ms Hošek:** As a landlord itself, the province is very aware of this situation. The policy decision that we have made is to have the Ontario Housing Corp allow local authorities to make the decision in different housing authorities in the province. I am pleased to say that the Metropolitan Toronto Housing Authority, in this area, has indeed agreed to allow people who live in MTHA housing to keep pets. That is the decision that has been made in Metropolitan Toronto, and local housing authorities have the jurisdiction or authority to make their own decisions on this topic.

I have passed on the member's concerns to the Attorney General. I will pass them on again.



## NEONATAL CARE

**Mr Jackson:** I have a question to the Minister of Health. Today marks the third week I have been raising with the minister questions about the crisis in delivery of service to the neonatal intensive care units at Chedoke McMaster Hospitals.

I have in my possession a letter that was just recently sent by that hospital to the 18 other hospitals within the central west region. The letter says: "We have determined that in order to stay within the allocated budget for the neonatal intensive care unit, we will be forced to reduce our neonatal admissions even more. Priority will be given to high-risk infants born in the tertiary care unit at Chedoke McMaster." It concludes by saying, "We very much deplore the additional risk and suffering imposed on your patients and their parents."

The suffering is being imposed here on high-risk, premature, low-birth-weight, newborn babies.

**The Speaker:** The question?

**Mr Jackson:** My question to the minister is: Has her ministry staff advised her of these additional risks and have they advised her that Chedoke McMaster Hospitals have sent this letter out to the 18 area hospitals within their region?

**Hon Mrs Caplan:** As the member would know, and I have given him information over the course of the last few weeks, we have not yet received the budget from Chedoke McMaster Hospitals. I am informed by them, however, that there is one, that there will not be a reduction in their level 3 perinatal care and that, in fact, they are operating at full-funded capacity.

**Mr Jackson:** I doubt seriously if the minister is getting all the facts from within her own ministry. The situation is, in fact, getting worse. Her ministry was given a budget for the neonatal intensive care unit, upon her ministry's request, over a month ago. In fact, her ministry was advised back on 27 January that the hospital was considering these drastic actions. Her assistant deputy minister attended a meeting back in February to discuss the situation in detail. He suggested and requested that they provide a strategy involving immediate solutions out of respect for the increased risk that these children were being subjected to.

My question to the minister is: Given the documentation, and I have copies of the minutes of that meeting, why is it that her ministry staff have accepted the need to reinstate the neonatal

intensive care unit beds at Chedoke McMaster, and yet she continues to state in this House that she has relied on her own—

**The Speaker:** Thank you. The member has asked the question.

**Hon Mrs Caplan:** As the member has stated, the ministry is working very closely with not only Chedoke McMaster but with all the partners delivering perinatal services across the province. They are reviewed on an ongoing basis.

I would offer him a full briefing, as I have tried time and time again to explain to him how the system works. Since he seems to have some difficulty, I know the ministry officials would be prepared to spend as much time as necessary so that even he will fully understand how the system works.

## COUNTY GOVERNMENT

**Mr Tatham:** My question is for the Minister of Municipal Affairs. The county consultation committee report has been out for several months. What kind of response has he had to it?

**Hon Mr Eakins:** I am very enthused with the response to the county government report, which the honourable member is very familiar with. At the time the report was released I offered to meet with any of the counties that would extend an invitation. To date, I have visited many of the counties. I must say about 10 counties have already requested a review of their particular county and to look at ways they might strengthen their county form of government. We have other invitations and others who are interested in taking a look at their particular county.

One of the very interesting outcomes of this report is to read a report from the Sarnia bureau of the London Free Press today that some seven area wardens have met together to take a look at not only how they can strengthen their own form of county government but how they can work together and strengthen the counties in a united sense.

I feel that there is tremendous excitement out there to strengthen our county form of government.

**Mr Tatham:** What action is taking place on the future of this report?

**Hon Mr Eakins:** We will be reviewing the reports and the responses to reports as they come in. Many are coming in. I might say that those municipalities that need a few extra days are not going to be penalized if their report comes in late. We will put together a consensus on the report and then I hope we will be able to give some



direction which our ministry and this government would like to take with regard to the strengthening of county government in Ontario.

#### PERINATAL CARE

**Mr Reville:** My question is to the Minister of Health. My colleague in the Conservative Party and I have been worried about the five high-risk babies born in less than ideal circumstances in the Hamilton area. To each of our questions the Minister of Health has responded that we do not understand how the system works.

I am advised by Dr Watts at Chedoke McMaster Hospitals that in 1987 that unit was on no-care status for 17 per cent of the time, in 1988 it was on no-care status for 38 per cent of the time and since May of this year the situation has gotten even worse than that.

Would the minister explain the functioning of a system that cannot admit a patient for more than a third of the time?

**Hon Mrs Caplan:** As the member knows, we are talking about very highly specialized care which is available at 13 hospitals across the province for perinatal care. Level 3 designation means that a hospital is able to care for seriously compromised infants and premature babies. At any given time, a particular level 3 hospital may be better able to handle a complex case, or in the case of multiple births—I mean quintuplets, which as everyone knows is a very rare occurrence—it may for reasons of equipment, staffing or personnel be able to better handle it than another area across the province.

Ideally, it would be preferred if that mother and patient and the babies she is about to give birth to could be cared for at the geographically closest centre. But because of our desire to have centres geographically located across the province so that everyone will have access to them, not just those close to the health science centres, I would say to him that we can find strains and stresses on the system at any one point at any given time. I know he understands that.

**Mr Reville:** What I understand is that the minister is a few cue cards short of a full deck. That was good, was it not? It just came to me, Mr Speaker.

But I have a question.

**The Speaker:** Order. I do think it would be best, rather than starting off with an editorial comment, just to place the supplementary.

**Mr Reville:** Will the minister tell the House whether she believes it is good health practice to transport, either by air or by land, a mother who

is either high-risk herself or whose about-to-be-born babies are high-risk?

**Hon Mrs Caplan:** The member is dealing with a complex and difficult question that is somewhat illogical in its presentation and attempts to resort to personal attack. I do not interfere with medical judgements. As a mother of four children, I know how important it is that the very best medical decision be made to ensure that the very best possible care is available to high-risk mothers or those who are in high-risk situations. I rely on physicians to use their very best judgement to determine where a mother should be directed to make sure she receives the very best possible care in this province.

**Mr Cureatz:** Mr Speaker, I assure you that you will never see me making editorial comments.

**The Speaker:** Time will tell.

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#### PROPOSED ELECTRICAL GENERATING STATIONS

**Mr Cureatz:** I do have a question. My question is to the Minister of Energy. I notice from Ontario Hydro's newsletter that back in August 1988 Ontario Hydro "has commenced a proposed environmental examination on the possibilities of construction of"—I say to the Minister of Natural Resources (Mr Kerrio)—"Sir Adam Beck 3."

**Hon Mr Kerrio:** Hear, hear.

**Mr Cureatz:** The minister is already clapping and his government has yet to decide whether the station should be built or not.

I say to the minister that I can only presume this is his quiet method of instituting environmental banking. As the minister has approved this method of environmental banking, of Ontario Hydro doing environmental studies which, it has said in the background, will take up to four years for the Sir Adam Beck 3 site, why will he not commence environmental banking for sites such as the North Channel and Darlington 2?

**Hon Mr Wong:** I would like to thank the honourable member for his thought-provoking question, but I must say, with due respect to the honourable member, that I do not agree with his premise with respect to the preferred plan from Ontario Hydro, which will be public this fall, in September or October. At present, we do not know what will be in this plan, what type of demand-management or supply-side projects will actually be outlined.



Second, no decision has been made yet on the part of the government as to what decision-making process will be used, whether it is a board, a panel, a committee or a tribunal, to evaluate the energy considerations and the economic, social and environmental factors. One thing I do know for sure is that after the preferred plan has been made public there will be provision for public input.

**Mr Cureatz:** The minister has not answered the question, namely: Is this not Ontario Hydro's method of environmental banking? I would like the minister to answer. Did Ontario Hydro approach him about the proposal for Sir Adam Beck 3 in terms of its four-year plan of investigation for environmental studies? Did Ontario Hydro approach him and did he give the approval? If he did give the approval, why does he not start giving approvals for the North Channel or Darlington 2?

**Hon Mr Wong:** Let me answer the question by saying that Ontario Hydro has announced that it is proceeding on this renewable resource, the Sir Adam Beck 3 plan. It is not one of those situations where the utility has said, "Let us wait and see whether we get an environmental approval before we decide whether we're going to do it or not." In other words, the banking argument the member makes is invalid here. Ontario Hydro has made the announcement. It is doing what it would logically do, and that is to seek all of the normal and regular government approvals.

#### CROP INSURANCE

**Mr Callahan:** My question is to the Minister of Agriculture and Food. In June of this year we celebrated the Strawberry Festival in Huttonville, which is one of the finest apple-growing regions in Ontario. It is located in the riding of Brampton South.

On 17 June, we had some rather unusual weather which resulted in a large downfall of ice pellets, which had a significant impact on the apple crop. Because of the high premium for crop insurance, some of the residents of my riding who are apple growers did not have insurance. Could the minister tell me whether there is any avenue available to them to secure some compensation for the losses they sustained?

**Hon Mr Riddell:** In answer to the question from the member for Brampton South, I was aware of the hailstorm and the damage it did to the apple crop on, I believe, 16 June. The growers in this province are also aware that there has been a program in place now for over 20

years and this program gives them the kind of protection they need with such perils as frost damage.

Those apple growers who participate in the crop insurance program will have their claims paid when the harvest is completed. Those who do not have crop insurance will get no benefits. My advice is that all growers should be taking out crop insurance. I might say that this is the second year we have had a hail spot loss rider for apple producers.

We have incorporated a number of changes recommended by the task force headed by the member for Lincoln (Mr Pelissero) into crop insurance. We hope the federal minister will amend the Crop Insurance Act to bring in some of the other changes that are needed.

**Mr Callahan:** I would ask the minister if there is any program, either provincially funded or a combination of provincial and federal funding, that would assist apple growers or for that matter farmers of whatever nature in perhaps buffering the high cost of these premiums.

**Hon Mr Riddell:** As I indicated, other than the crop insurance program, there is no additional assistance for those growers who chose not to participate in this program which gives them protection against damages due to hail, drought or whatever it may be. As a matter of fact, our sales have increased by about 50 per cent since the drought of last year, so growers are becoming more aware of the importance of having crop insurance.

It is not that we cannot improve the crop insurance program, but we are asking the federal minister to amend the act to allow coverage. Over 80 per cent of the farmers choose to go that option. We are asking the federal government to make amendments to the act to allow for a different way of establishing yields. I think we can improve the crop insurance program, but it has been improved tremendously over the past few years and this is what the farmers should rely on for the kind of protection they need against the weather.

#### CARDIOVASCULAR CARE

**Mr D. S. Cooke:** I have a question to the Minister of Health. I am sure she is aware that at this point the people in my home community have completely lost confidence in our health care system; specifically, they have lost confidence in their ability to access cardiac care services in London.

On Friday, the minister's colleague the member for Windsor-Sandwich (Mr Wrye) an-



nounced a task force for which I have no idea what the terms of reference are or who is going to serve on this task force. Specifically, can the minister indicate whether one aspect of the investigation of that task force will be the viability of a cardiology surgical unit in the Windsor-Essex area to help alleviate the problem of hundreds of people who are going on waiting lists for cardiac surgery in London?

**Hon Mrs Caplan:** I think it is very important for the member and all members of this House to know that we are committed to the kind of equity in access to effective quality services for everyone right across the province. Very occasionally and in extreme cases, the most appropriate decision based on the judgement of the doctor, particularly in the Windsor area, has resulted in patients being referred to Detroit.

The member should know that we have a network of cardiovascular services in six centres in the province and that physicians can refer to any one of those centres, even if it is not the one which is closest to home.

I believe the people of Windsor have access to the very finest care. But to reassure itself and also make sure that the people of Windsor have this information, the ministry is sending a team of officials to meet with senior health care providers to clarify the procedures for accessing these services, to make sure that the senior health care providers in the Windsor area have the information they need so that they can assure the people of Windsor that they do have access and appropriate access to the most appropriate services and as close to home as possible.

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**Mr D. S. Cooke:** I think there is no way to describe what the minister has just said other than that they have set up a task force to cover the political butt of the member for Windsor-Walkerville (Mr M. C. Ray) and the member for Windsor-Sandwich (Mr Wrye). It has absolutely nothing to do with improving access to health care for the many people in our community who are waiting for cardiac care surgery.

I would like to ask the minister how she would respond to a heart specialist who called me this morning—and I have referred the case to the her office—and said: “Access to London means not one phone call but having to call each individual surgeon separately and finding out whether he has room to be able to do emergency surgery. In itself, it takes a couple of hours or more to contact each doctor, since he may be in surgery or elsewhere.”

How does that guarantee surgery for people who are critically ill and need access to a health care system in Ontario which they pay for? They need access today—not tomorrow, next week or the week after.

**Hon Mrs Caplan:** I would say to the member opposite that unfortunately when we talk about these highly specialized, very complex kinds of systems, procedures and networks within the province, sometimes the truth gets lost in the emotionalism of the issue. He knows full well that sometimes, notwithstanding access to the very best possible care, patients do not survive. That does not mean the entire system should be condemned.

The ministry is going to ensure that the health care providers in the Windsor area have the information they need so they can make sure their patients have access to those services as expeditiously as possible. He knows that we announced an expansion of the registry system which is now coming into place in Metropolitan Toronto to make sure that the entire province ultimately will have one phone number and a central registry.

However, he knows as well that the central working committee which we are establishing will make sure that we have a common definition for urgent, elective and emergency, so that we have the kinds of standards to make sure there is equity in the system. I know that in cooler moments, when he is not playing partisan politics with what is a very serious issue, he would agree that our approach is the right one.

#### TRAINING MATERIALS INVESTMENT FUND

**Mr Jackson:** I have a question for the Minister of Skills Development. On 28 March 1988, the minister advised this House of the development of the Ontario Training Corp. Within that he made as his banner announcement the training materials investment fund, which I am sure he is familiar with.

Could the minister please advise this House now, after almost a year and a half, how many contracts this Ontario Training Corp has let under this joint private sector venture under the training materials investment fund? How many projects has he let?

**Hon Mr Curling:** As the member for Burlington South knows, when the Ontario Training Corp was established it was applauded by all members of the House. Some were quite reluctant, not understanding it fully, but having come to understand the Ontario Training Corp and how effective it has been—of course, it took



some time to set the infrastructure in place. They have reviewed a number of programs and are working. Just recently, I attended the one-year anniversary of the Ontario Training Corp. They have presented to me a number of programs that are under consideration and they are very near to approving a couple of those programs.

**Mr Pope:** In other words, none.

**Mr Jackson:** We can interpret that as none, but I think I can help enlighten the minister about his own ministry. In fact, he did attend their annual meeting on 20 June. A statement issued by his ministry said: "The first year of any business is always one of incredible growth and Ontario Training Corporation has been no exception. There has been tremendous growth in that corporation."

There has been? I understand that the budget expenditure to date for this program is in excess of \$8.5 million, but up until about three weeks ago the ministry had not signed up one private sector contract. In fact, the program is not really working. So the purpose of my questioning is to ask the minister, in fairness, at what point will he be doing an evaluation on this program? Given the fact that if it is not as effective as it could be and is not working, when will he make the judgement to shut down the program?

**Hon Mr Curling:** The honourable member got up and he asked a question and then he proceeded to tell me how he could tell me what is happening in the Ontario Training Corp. Then he proceeded to ask, am I ready to shut it down after a year?

We do not intend to approve programs at random, but to assess it properly to make sure it reaches the target and the purpose of what this government had intended the Ontario Training Corp to do. We have been doing that very diligently and I am very impressed with the board and its approach. I think the member for Burlington South will be one of the main members here who will be standing up in a few months to applaud the efforts of the Ontario Training Corp.

#### WASTE MANAGEMENT

**Mr D. W. Smith:** My question is to the Minister of the Environment. The province's 1989 budget includes a tax of \$5 which will be charged on the purchase of each new tire. This tax is apparently designed to support the government's tire and waste reduction programs. Can the minister let us know what is being done to reduce tire and other waste, utilizing the government's funds?

**Hon Mr Bradley:** It would probably take me about eight and a half minutes to do so thoroughly but I do not have that kind of time, so I will share with the member and his constituents who are interested some of these initiatives.

My ministry is initiating several programs, he would be happy to know, to encourage recycling of a wide range of materials used by both the individual consumers and industry.

Tires are receiving special attention, and the Treasurer (Mr R. F. Nixon) asks that they receive that kind of special attention for a number of reasons, principally that they are bulky and that currently disposal space must be found for about seven million tires in an entire year. Increasingly, tires are being banned at many landfill sites for this reason, and our goal is to promote the development of new markets for recycled tires and those products.

Tire crumbs, for instance, have potential application in road materials, running tracks, vibration control products and acoustical materials, and many other products can be punched from rubber tire material, including bumpers for industrial application and blasting pads.

Through the industrial 4R program, the Ministry of the Environment has committed funding to promote the reclamation of tire castings for retreading in a program which will handle—listen to this—up to 150,000 tires a year in that program alone.

We are also providing funding to a program which will shred tires—

Interjections.

**The Speaker:** Thank you. I would remind the minister that under standing order 29 it is possible, if it takes a lengthy answer, to ask that the question be put in Orders and Notices.

**Mr D. W. Smith:** The reason I asked that question is that some of the landfill sites in Lambton county have been charging \$5 for used tires. I wanted to hear the minister's response, because now they will have to charge \$5 to get rid of the tires and the \$5 tax on new tires.

There are many types of common bulky industrial materials currently taking up space in landfill sites. Are programs being initiated by his ministry to promote the reuse and recycling of tires or wood used in construction or even cardboard?

**Hon Mr Bradley:** I think people would recognize that in business, wastes in fact reflect inefficiencies in the operation of businesses and in the conduct of enterprise. For that reason, we are encouraging the elimination of waste; and



they see the value of eliminating that kind of waste.

Businesses can reduce waste simply by reviewing their operations at every step of the process: identifying practices that generate the waste and changing those practices to ways that generate less waste. These practices range from simple administrative procedures that the member for Nickel Belt (Mr Laughren) would be aware of, to manufacturing process changes such as recycling raw materials internally, and changes in product design aimed at minimizing both raw material usage and the eventual quantities.

1500

My ministry is providing to municipalities and the private sector a 4R advisory staff and hotline for technical advice. We are also providing research and development assistance for the 4R technology markets through our research advisory committee. These programs are supporting the private sector initiatives to recycle materials such as waste wood. Cardboard is already being accepted by a number of municipal curbside recycling programs. With all these things happening in the province—

Interjections.

**The Speaker:** Order. I appreciate the help of many of the members; however, I know sometimes 70 or 80 seconds seems like a long time if one is not using that time.

#### NORTHERN HEALTH SERVICES

**Mr Reville:** My question is for the Minister of Health. I know the minister was out in the northwest at the tail end of last week, so I want to ask her a "quality care as close to home as possible" kind of question.

The Lakehead Psychiatric Hospital has had real problems attracting a full complement of mental health professionals. The normal staffing level would be 11 psychiatrists. It now has three. One of those psychiatrists is leaving in August, another is leaving in six months and the acting chief is going to lose his licence to practise in one year. Whatever is the minister going to do to solve that problem?

**Hon Mrs Caplan:** In fact, I am concerned about the ability to attract specialty staff and physicians as well as allied health professionals throughout northern Ontario. That is the reason we announced this week the northern health manpower committee, which has representatives from across the north, to help. I know they will be acknowledging that the attraction of psychiatrists to the north is a significant priority.

Dr Copeman has declared his ability to work with the ministry to attract psychiatrists particularly for Lakehead, and I believe it is through working together to attract psychiatrists on a sessional basis by working with the northern health manpower committee that we will be able to resolve many of the significant issues facing health professionals right across northern Ontario.

**Mr Reville:** The consequences of the understaffing at Lakehead are that people are over-medicated in the hospital, people who should be discharged to the community are not and people who should be admitted to the hospital cannot be because the beds are blocked.

When will the minister realize that she has the stewardship of a system that cannot solve this problem; that she could do one of two things, or both: set up a medical school in the north so that the people who train there would practise there, or provide salaries to attract psychiatrists and other health professionals to remote areas, because the fee-for-service system leaves them all working on St Clair Avenue? What about that?

**Hon Mrs Caplan:** The member knows full well we have five excellent medical schools in the province. All of them are working with us to determine how training programs can be modified and improved so that young students will have opportunities to train and practise in the north. We are working on those at the very moment, even as we speak.

I can tell him as well that we are actively pursuing alternative payment mechanisms, offering those to physicians to encourage them to the north. The northern health manpower committee, which will, as well as having the central committee, have two subcommittees, one for the northeast and one for the northwest, will be charged with finding ways that will attract physicians, not only in areas of psychiatry where we are working with the underserved area program but also in other areas and allied health professionals.

One of the challenges of human resource and manpower planning is to acknowledge the special challenges of northern Ontario. We are doing that. I am proud of the efforts we are making.

#### LABOUR DISPUTE

**Mr Cureatz:** Probably not having the opportunity for a supplementary, I will direct this question to the Minister of Skills Development and, if he wants to defer it to the Minister of



Labour, that will be fine, if those two can sort out what the problem is and who can answer.

**An hon member:** I thought you didn't editorialize.

**Hon Mr Sweeney:** Time's up, Mr Speaker.

**Mr Cureatz:** The Liberal back bench is cackling like a flock of sheep again. It is unbelievable.

Presently, there is under construction a new plant for Atlantic Packaging Products Ltd. The National Association of Plumbers and Pipe Fitters union is staging an on-the-spot strike and protest at being replaced by the International Association of Bridge, Structural and Ornamental Iron Workers. It is my understanding that there is concern under the apprenticeship and tradesmen's qualification act as to whether safety standards are being met with the ironworkers doing the pipefitters' job.

Would the Minister of Skills Development please investigate the problem as to which worker should indeed be doing that particular trade work?

**Hon Mr Curling:** Mr Speaker, although I have not heard you recognize me, I think I will ask the Minister of Labour to respond to the honourable member's question.

**Hon Mr Sorbara:** It is very kind of my colleague the Minister of Skills Development to refer it to me.

There is a very long answer to the member's question, but inasmuch as we are at the end of question period, I will do two things. First, I will tell the member that where there is a jurisdictional dispute, that matter can and probably should be referred to the Ontario Labour Relations Board. Otherwise, the inquiries that he asked my colleague the Minister of Skills Development to make will be made and we certainly will report back to him in due course.

#### TIME ALLOCATION

**The Speaker:** Before I call on petitions, it would be in order, I believe, at this time to place a ruling before the House.

On Thursday last, the opposition House leader, the member for Windsor-Riverside (Mr D. S. Cooke), raised a point of order with respect to government notice of motion number 6 which had been moved by the government House leader, the member for Renfrew North (Mr Conway). The motion in question is one for the allocation of time and sets out in detail the provisions which are to be made for further

proceedings on Bill 162, An Act to amend the Workers' Compensation Act.

The member for Windsor-Riverside cited four reasons for the motion being out of order. First, there is no provision in the standing orders for such a motion; second, the deeming provisions of the motion affecting amendments are unprecedented and amount to an abuse of the minority; third, the time allocated to the committee of the whole House stage is inadequate and does not allow the opposition to adequately perform its role of holding government accountable; and fourth, it prejudices the members of the Legislature and their role in dealing with legislation.

The House leader for the Progressive Conservative Party, the member for Nipissing (Mr Harris), maintained that the deeming provisions of the motion affecting amendments prejudicially affect the ability of the opposition to put forward its arguments on particular amendments and would have the effect of deeming each amendment to be in order. The members for Scarborough West (Mr R. F. Johnston), Hamilton Mountain (Mr Charlton) and the government House leader also offered advice on matters I should consider in determining if the motion is in order.

As I stated in my ruling on 23 January 1989, it has been settled that a motion for the allocation of time, although it forms no part of the general procedure of the House, is a substantive motion and may be moved and debated upon proper notice being given. In this case, proper notice was given and I find the motion to be in order on this ground.

I have considered carefully the arguments of members concerning the deeming provisions of the motion which would treat amendments tabled before 6 pm on the first sessional day in committee of the whole House and not yet moved by 5:45 pm on the second sessional day in committee of the whole House as if they had been moved. I have looked at the precedents and practices of this House and other jurisdictions to assist me in determining if such a provision is in order.

Since 1985, in dealing with the estimates, it has been a common practice of the House to deem that the estimates not yet passed by the committees and reported to the House to be passed and all estimates not yet concurred in to be concurred in. At the House of Commons at Westminster, provision has been made in time allocation motions to deem parts of a bill to stand as part of the bill without question put and it is a recognized technique in legislative drafting that a

bill may be deemed to have come into force on a day prior to passage through the House and royal assent.

**1510**

Also, at the House of Commons in Ottawa, at that stage of the legislative process which they call the report stage, which is an equivalent to our committee of the whole stage, it is often the case that time allocation will affect this stage in the very same way as is proposed here. In that case, sometimes a very large number of amendments will be put to the House seriatim without having been debated.

If the Chairman of the committee of the whole House determines that an amendment which is deemed to be moved by the provisions of the time allocation order is out of order, it is the duty of the Chairman to rule accordingly before the question is put on the amendment. The effect of the time allocation order is not to deem any amendment affected by its provisions to be in order.

I therefore find this provision in the motion to be in order.

By its very nature, an allocation of time order is a means by which debate on a matter is curtailed by allocating a specified number of days to the various stages of a bill. Such a procedure is, as stated in Erskine May's *Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, 20th edition, at pages 454 to 455, "the extreme limit to which procedure goes in affirming the rights of the majority at the expense of the minorities of the House" and is "capable of being used in such a way as to upset the balance, generally so carefully preserved, between the claims of business and the rights of debate."

In my opinion, the allocation of time order moved by the government House leader does not infringe the rights of the minority. Therefore, as I stated earlier, I find the motion to be in order.

**Mr D. S. Cooke:** Mr Speaker, I understand we are not able to debate your ruling. I must challenge your ruling.

**The Speaker:** I have been challenged by the member for Windsor-Riverside on the ruling. The question I must put to the House is, shall the ruling be sustained?

**1755**

The House divided on the Speaker's ruling, which was sustained on the following vote:

#### Ayes

Beer, Black, Bradley, Brandt, Brown, Callahan, Caplan, Carrothers, Chiarelli, Collins, Conway, Cooke, D. R., Cordiano, Cureatz, Daigeler, Dietsch, Eakins, Elliot, Elston, Epp, Faubert, Fleet, Fontaine, Furlong, Grandmaître, Harris, Hošek, Kanter, Kerrio, Keyes, LeBourdais, Leone, Mahoney, Matrundola, McCague, McClelland, McGuinty, McLean, Miller, Morin, Nixon, J. B., Offer, O'Neil, H., Owen, Pelissero, Phillips, Polsinelli, Poole, Reycraft, Riddell, Roberts, Smith, D. W., Smith, E. J., Sorbara, South, Stoner, Sullivan, Sweeney, Tatham, Wilson, Wong.

#### Nays

Charlton, Cooke, D. S., Kormos, Laughren, Mackenzie, Philip, Rae, B., Reville.

Ayes 61; nays 8.

The House adjourned at 1801.



## ANSWERS TO QUESTIONS IN ORDERS AND NOTICES

## MINISTRY OF EDUCATION

**26. Mr Jackson:** Would the Minister of Education provide the names of each of the consultants commissioned by his ministry in 1988-89 as well as the total expenditure on each report? [Tabled 26 April 1989]

**Hon Mr Ward:** The following list provides the names of each of the consultants commissioned by this ministry in 1988-89 as well as the total expenditure on each paper:

Toronto Board of Education, \$14,824; Samuda, Ronald J., \$15,000; Lee Consultants, \$6,000; William M. Mercer Ltd, \$96,700; O'Meara, John, \$0; Consulting Dimensions Inc, \$8,490; Consulting Dimensions Inc, \$10,000; Neucom Mgmt, \$21,193; Les Entreprises Marc Giroux, \$0; York University, \$14,992; OISE, \$8,000; Masemann & Mock, \$18,000; Byte Craft, \$0; Byte Craft, \$7,000; Byte Craft, \$0; Park, Vandal & Assoc, \$22,000; Langlois, Andre, \$3,000; Mayrand, Robert, \$3,000;

Langlois, Andre, \$500; Sears, Allison, \$7,840; Smith, Michael D., \$17,359; MacKinnon, Stephen, \$300; Beckwith, Gayle, \$300; Freiburger, Stephen, \$300; Collard, Cynthia, \$300; Carrol, Mary, \$300; MacWalters, David, \$300; Byte Craft, \$0; Byte Craft, \$0; Byte Craft, \$0; Byte Craft, \$0; Byte Craft, \$0; Traub, Dr R., \$5,000; Beak Consultants Ltd, \$186,627; Coopers & Lybrand, \$26,545; Swail Group, \$9,966; Bassett Laudi Partners, \$1,250; Vertical Information, \$13,500.

**27. Mr Jackson:** Would the Minister of Education provide details of the tendering process for each consultant's report commissioned by his ministry in 1988-89, along with, if applicable, explanations why certain contracts were not put up for tender? [Tabled 26 April 1989]

**Hon Mr Ward:** The following list provides details of the tendering process for each consultant's reports commissioned in 1988-89.

Consultants	Method	Explanation
Lee Consultants	Waived	Time constraint
William M. Mercer Ltd	Request for proposals	
O'Meara, John	Waived	Unique qualifications
Consulting Dimensions Inc	Waived	Time constraint
Consulting Dimensions Inc	Waived	Time constraint
Neucom Mgmt	Waived	Emergency
Les Entreprises Marc Giroux	Waived	Unique qualifications
York University	Waived	Time constraint
OISE	Waived	Unique qualifications
Masemann & Mock	Request for proposals	Follow-on
MacKinnon, Stephen	Waived	Unique qualifications
Beckwith, Gayle	Waived	Unique qualifications
Freiburger, Stephen	Waived	Unique qualifications
Collard, Cynthia	Waived	Unique qualifications
Carrol, Mary	Waived	Unique qualifications
MacWalters, David	Waived	Unique qualifications
Byte Craft	Waived	Follow-on
Byte Craft	Waived	Follow-on
Byte Craft	Waived	Unique qualifications
Byte Craft	Waived	Unique qualifications
Byte Craft	Waived	Unique qualifications
Byte Craft	Waived	Unique qualifications
Byte Craft	Waived	Unique qualifications
Byte Craft	Waived	Unique qualifications
Park, Vandal & Assoc	Waived	Time constraint
Langlois, Andre	Waived	Unique qualifications
Mayrand, Robert	Waived	Unique qualifications
Langlois, Andre	Waived	Unique qualifications

Consultants	Method	Explanation
Sears, Allison	Waived	Unique qualifications
Smith, Michael D.	Tendered	
Toronto Board of Education	Request for proposals	
Samuda, Ronald J.	Waived	Unique qualifications
Traub, Dr R.	Waived	Unique qualifications
Beak Consultants Ltd	Tendered	
Coopers & Lybrand	Tendered	
Swait Group	Waived	Unique qualifications
Bassett Laudi Partners	Waived	Time constraints
Vertical Information	Waived	Unique qualifications

**28. Mr Jackson:** Would the Minister of Education explain why, after 18 years of successive decreases, his ministry's bureaucracy increased in 1988-89 by 26 people? [Tabled 26 April 1989]

**Hon Mr Ward:** Twenty-two positions were converted from fee-for-service arrangements to regular staffed positions. Also, the establishment of the French-language unit and the freedom of information unit, along with greater emphasis on policy initiatives in the ministry, resulted in a net increase of four.

**29. Mr Jackson:** Would the Minister of Education explain, in light of his ministry's decreasing level of funding to school boards, how the decision to increase his ministry's bureaucracy can be justified? [Tabled 26 April 1989]

**Hon Mr Ward:** Operating grants to school boards, in fact, increased by 6.9 per cent in 1988. In addition, the boards received \$300 million in 1988 in capital allocations for school accommodation purposes as part of a four-year plan. Four of the 26 new positions in the ministry resulted from new legislation (French Language Services Act and Freedom of Information and Protection of Privacy Act) and policy initiatives. The remaining 22 new positions are less costly to the ministry than the former fee-for-service arrangements.

**30. Mr Jackson:** Would the Minister of Education state how many staff were employed by his ministry on a contract basis in each of the following years: 1987-88; 1988-89? [Tabled 26 April 1989]

**Hon Mr Ward:** For period ended 31 March 1988, 458 staff were employed by the ministry on a contract basis. For period ended 31 March 1989, 426 staff were employed by the ministry on a contract basis.

**31. Mr Jackson:** Would the Minister of Education explain why his ministry's administra-

tion division overspent its 1987-88 supplies and equipment budget by \$1,014,161? [Tabled 26 April 1989]

**Hon Mr Ward:** During the course of the year the Ministry of Education was faced with demands for new services and for increases in existing services. Examples are the demand for French-language services pursuant to Bill 8 and increased demand for administrative and information technology services from ministries that acquire such services from the Ministry of Education.

The ministry has managed its fiscal affairs in accordance with the requirements of the Management Board of Cabinet and has funded all increases in expenditures by offsets of under-expenditures in other categories.

Approved expenditures, 1987-88, \$4,465,415,038 (as adjusted); actual expenditures, 1987-88, \$4,446,869,938.

**32. Mr Jackson:** Would the Minister of Education state whether in his opinion it would not have been better to allocate the \$1,014,161 which was overspent on administrative supplies and equipment to school capital funding in order to reduce the number of students being educated in portables? [Tabled 26 April 1989]

**Hon Mr Ward:** The ministry is addressing the issue of school capital funding. It has allocated \$1.2 billion over a four-year period towards the capital needs of school boards.

**33. Mr Jackson:** Would the Minister of Education provide details of the procedures which he has implemented to prevent this type of excessive cost overrun in 1988-89? [Tabled 26 April 1989]

**Hon Mr Ward:** The ministry monitors the budget position throughout the fiscal year to minimize categories of overexpenditure. Where overexpenditures are necessitated by changes in circumstances, overexpenditures in some areas are managed by underspending in others.



**34. Mr Jackson:** Would the Minister of Education explain why the 1988-89 estimate for his main office budget increased by \$1,103,600 over the 1987-88 estimate, given that in 1987-88 main office actual expenditure was \$352,199 below budget? [Tabled 26 April 1989]

**Hon Mr Ward:** In addition to all the main office activities operating in 1987-88, the 1988-89 estimate for the main office reflects the \$304,300 in resources required to operate the French-language services unit, created in 1988-89; provide additional staff and resources to reflect increased activities in the office of the ADM, Franco-Ontarian education (\$395,100 and six additional staff); respond to increased workload in the correspondence unit with one additional staff and additional budget funds; fund normal salary and benefit awards for 1988-89, and reflect a 4.5 per cent average provision for inflation in transfer payments.

**35. Mr Jackson:** Would the Minister of Education provide his justification for the 66 per cent increase in his main office staff complement between 1987-88 and 1988-89? [Tabled 26 April 1989]

**Hon Mr Ward:** Staff complement in main office increased from 27 for 1987-88 to 41 for 1988-89, an increase of 14 or 52 per cent. This increase was reflected in the new and increased activities of the main office as follows:

Creation of French-language services unit, 3; office of the ADM, Franco-Ontarian education, 6; creation of Bill 30 unit, 3; correspondence unit, 1; freedom of information unit, 1.

These additions to main office staff came as a result of internal reallocations of ministry salary and wage budgets.

**36. Mr Jackson:** Would the Minister of Education state how many staff were employed in the minister's office in 1987? [Tabled 26 April 1989]

**Hon Mr Ward:** As of 31 March 1988 (the end of fiscal year 1 April 1987 to 31 March 1988) there were a total of nine staff employed by the minister's office out of an allowable staffing complement of 11.

**37. Mr Jackson:** Would the Minister of Education state how many staff were employed in the minister's office in 1988? [Tabled 26 April 1989]

**Hon Mr Ward:** As of 31 March 1989 (the end of fiscal year 1 April 1988 to 31 March 1989) there were a total of nine staff employed by the minister's office out of an allowable staffing complement of 11.

**38. Mr Jackson:** Would the Minister of Education provide the total salary and benefit costs for the staff employed in the minister's office in 1987? [Tabled 26 April 1989]

**Hon Mr Ward:** For fiscal year 1987-88: salary cost, \$362,259; benefits, \$20,286 (5.6 per cent).

**39. Mr Jackson:** Would the Minister of Education provide the total salary and benefit costs for the staff employed in the minister's office in 1988? [Tabled 26 April 1989]

**Hon Mr Ward:** For fiscal year 1988-89: salary cost, \$341,538; benefits, \$29,030 (8.5 per cent).

**40. Mr Jackson:** Would the Minister of Education state how many staff have been allocated to the Bill 30 implementation unit of his ministry and provide the salary and administrative costs for this unit in 1988-89? [Tabled 26 April 1989]

**Hon Mr Ward:** Three staff have been allocated to the Bill 30 implementation unit in the ministry: an executive director, an education officer and a senior secretary.

Salaries and wages, \$213,252 (includes \$29,468 in temporary staff dollars); benefits, \$18,645; transportation and communications, \$19,207; services, \$7,377; supplies and equipment, \$1,318; total, \$259,799.

**41. Mr Jackson:** Would the Minister of Education state how many staff have been allocated to the French-language services unit of his ministry and provide the salary and administrative costs for this unit in 1988-89? [Tabled 26 April 1989]

**Hon Mr Ward:** Three staff have been allocated to the French-language services unit in the ministry: a French-language services coordinator, an administrative officer and a secretary.

The expenditure of the administrative costs for this unit in 1988-89 is as follows: salaries and wages, \$105,608; employees' benefits, \$14,144; transportation and communications, \$2,614; services, \$4,884; supplies and equipments, \$19,736; total, \$146,986.

**42. Mr Jackson:** Would the Minister of Education explain why the financial services branch of his ministry overspent its 1987-88 equipment and supplies budget by \$111,467? [Tabled 26 April 1989]

**Hon Mr Ward:** As the result of a 1986 shift in branch functions, it was necessary to create a new unit responsible for the handling and



accounting of transfer payments. Office space was acquired and modified to accommodate the staff.

At the beginning of the fiscal year, the financial services branch, with a staff of approximately 60 people, had only two microcomputers on its inventory. During the year, micro-computing equipment was purchased in order to meet the demands placed on the branch. These demands could not be met with the existing mainframe system, which is 17 years old.

**43. Mr Jackson:** Would the Minister of Education state the total number of persons employed by his ministry? [Tabled 26 April 1989]

**Hon Mr Ward:** As of 30 April 1989, the following numbers of persons were employed by the Ministry of Education: classified employees, 1,757; unclassified employees, 406; total, 2,163.

The following are also employed by the Provincial Schools Authority, an agency of the ministry: PSA teachers, 246; PSA supply teachers, 46.

**44. Mr Jackson:** Would the Minister of Education provide the following information: the total number of persons employed by the equal opportunity/affirmative action unit of his ministry in 1987-88, the total number of persons employed by the equal opportunity/affirmative action unit of his ministry in 1988-89 and the reason for any increase? [Tabled 26 April 1989]

**Hon Mr Ward:** For the period ended 31 March 1988, the total number of persons employed by the EO/AA unit of the Ministry of Education was as follows: classified employees, 4; unclassified/temporary employees, 5; secondees, 2; total, 11.

For the period ended 31 March 1989, the total number of persons employed by the EO/AA unit of the Ministry of Education was as follows: classified employees, 4; unclassified/temporary employees, 4; secondees, 2; total, 10.

This represents a decrease of one position for the 1988-89 year.

**45. Mr Jackson:** Would the Minister of Education state the average number of cases handled in one year by each employee of the equal opportunity/affirmative action unit of his ministry? [Tabled 26 April 1989]

**Hon Mr Ward:** The work of the equal opportunity/affirmative action unit is primarily the development of policy, strategies and initiatives to assist that ministry in achieving employment equity for its employees. The nature of the

work is such that "number of cases" does not apply.

**46. Mr Jackson:** Would the Minister of Education state how much money was spent by his ministry on advertising in each of the following years: (a) 1987-88; (b) 1988-89? [Tabled 26 April 1989]

**Hon Mr Ward:** (a) \$222,288.50; (b) \$415,285.99.

The main reason for the increase in 1988-89 was a dedicated advertising campaign to promote co-operative education.

**47. Mr Jackson:** Would the Minister of Education explain why in 1988-89, between the corporate planning and financial management branch and the policy analysis and research branch of his ministry, a total of three new staff persons were required? [Tabled 26 April 1989]

**Hon Mr Ward:** The net increase of three staff was made to improve policy development and policy support capabilities in the policy analysis and research branch in response to identified workload and activity demands resulting from the ministry reorganization.

**48. Mr Jackson:** Would the Minister of Education explain why the corporate planning and financial management branch and the policy analysis and research branch of his ministry have overspent their collective supplies and equipment budget in 1986-87 and 1987-88? [Tabled 26 April 1989]

**Hon Mr Ward:** In 1986-87, the budget for these two branches making up the analysis and planning activity, as shown in the printed estimates, totalled \$5,361,400, including \$295,000 for supplies and equipment. Actual expenditures on supplies and equipment totalled \$540,284, including \$190,961 to produce/purchase and disseminate books and publications related to education and research, \$181,940 for office supplies and \$155,989 to acquire microcomputers and related equipment primarily to automate the statistical information services unit, post-secondary section, of the research and information branch.

For 1987-88, the printed estimates for the activity showed a budget of \$5,888,800, including \$301,500 for supplies and equipment. During the year, \$646,847 was spent on supplies and equipment. Major expenditures were made to purchase computers and supplies for automation of the corporate planning and financial management branch and to improve the resources and capability of the policy section of the policy analysis and research branch (\$219,300),



to acquire office supplies (\$200,100), to produce/purchase and disseminate books and publications (\$202,700) and to buy office furniture (\$24,300).

**49. Mr Jackson:** Would the Minister of Education explain why the collective supplies and equipment budget of the corporate planning and financial management branch and the policy analysis and research branch of his ministry has been estimated at \$408,700 for 1988-89, when the expenditures for 1986-87 and 1987-88 were \$540,284 and \$646,847 respectively? [Tabled 26 April 1989]

**Hon Mr Ward:** The \$408,700 budgeted for supplies and equipment in 1988-89 is significantly lower than the actual expenditure recorded in 1987-88 because a substantial portion of the earlier year's expenditures were of a one-time nature (eg, electronic data processing equipment). The 1988-89 budgeted amount in analysis and planning per the printed estimates in fact represents a 35.5 per cent increase over the previous year's estimates. This increase is in recognition of an anticipated higher level of spending on recurring items (eg, office supplies), as evidenced in earlier years.

**50. Mr Jackson:** Would the Minister of Education provide the following information regarding spending on legal services by the main office of his ministry: the reasons for the increase in staff in 1988-89, the reason for the \$142,432 overspending in 1987-88 and the reason for the decrease in the 1988-89 services budget, when this line item was overspent in 1987-88? [Tabled 26 April 1989]

**Hon Mr Ward:** Three legal staff were added in 1988-89 because of substantial increases in both the volume and nature of the work performed. These increased activities included legal work involving the Teachers' Superannuation Act, responsibility for which was transferred from the Ministry of Treasury and Economics; workload increases related to litigation and legislation concerning French-language education in Ontario arising out of section 23 of the Canadian Charter of Rights and Freedoms, provision for French-language governance through Bill 75 and Ottawa-Carleton French-language school board legislation; updating of regulations to the Education Act.

Legal services expenditures in 1987-88 totalled \$945,932, incurred primarily to purchase computer equipment, office supplies, books and publications, costs of seconded legal staff and

salary and benefit expenses for support staff and temporary help. These total expenditures exceed the printed estimates of \$803,500 by \$142,432. These estimates were supplemented during the year by \$152,000 in approved expenditure increases from Management Board, which resulted in underspending of budget in the amount of \$10,368 at year-end.

Legal services hires staff in two ways: (1) directly as salaried employees of this ministry and (2) secondments from the Ministry of the Attorney General paid from services budget. The decrease in the 1988-89 services budget was the result of a shift in staff resources. This shift from secondment staff to Ministry of Education staff was undertaken to reflect the anticipated use of branch resources in 1988-89.

**51. Mr Jackson:** Would the Minister of Education provide the following information about all litigation involving section 28 of Ontario regulation 262/80: (a) the names of all individual lawyers and/or legal firms retained by the ministry in respect of this litigation; (b) the total amount of money spent by his ministry in defence of the regulation; and (c) all correspondence issued between 1 January 1986 and 31 December 1988 and concerning the litigation (except that protected by solicitor-client privilege)? [Tabled 26 April 1989]

**Hon Mr Ward:** The Ministry of Education did not retain outside counsel either for the Zylberberg case or for the CCLA v Minister of Education and Elgin County Board of Education case.

However, with respect to the Zylberberg case, legal fees will be paid by the Ministry of Education because the Sudbury Board of Education, on the encouragement of the Ministry of Education, defended the regulation in order to clarify the law. The ministry will reimburse the board for its legal costs through an undue burden grant. This means that the local taxpayers will not be unfairly penalized.

The costs are those of the law firm which represented Zylberberg and the other applicants (\$30,719.26) as well as the legal costs incurred directly by the board (\$32,361.21). The total billings, therefore, are \$63,080.47.

**52. Mr Jackson:** Would the Minister of Education state how many lawsuits were launched against his ministry in each of the following years: (a) 1987; (b) 1988; (c) 1989 to date? [Tabled 26 April 1989]

**Hon Mr Ward:** (a) 1987, 3; (b) 1988, 7; (c) 1989 to 26 April 1989, 3.

## HOSPITAL FINANCING

**84. Mr Eves:** Would the Minister of Health table all existing commitments for capital expenditures by hospital, type of commitment, amount and date committed since 1 April 1986? [Tabled 4 May 1989]

See sessional paper 85.

## LONG-TERM CARE

**85. Mr Eves:** Would the Minister of Health table a list of all new beds, by institution,

identified as acute or chronic, which have been opened in 1986, 1987 and 1988 as a result of the April 1986, \$850-million, multi-year commitment made to hospital capital expenditures, including the dates of opening, the total costs and amount contributed by the province? [Tabled 4 May 1989]

**Hon Mrs Caplan:** This list indicates the beds which were part of the \$850-million announcement that have actually been put into operation. No capital funds were flowed to the first three hospitals; the beds were put into existing space.

Beds opened		Year opened	Institution	Total project \$	Capital grant \$
Acute	Chronic				
	3	1988	Louise Marshall Hospital Mt Forest	—	—
8		1987	St Thomas Elgin Gen Hosp St Thomas	—	—
30		1987	Peel Mem Hospital	—	—
30		1989	Brampton		
12		1988	University Hospital London	5,563,000	3,691,755
—	—				
80	3			5,563,000	3,691,755

**86. Mr Eves:** Would the Minister of Health table a list of all new beds, by institution, identified as acute or chronic, which will be opened in 1989 and 1990 as a result of the April 1986, \$850-million, multi-year commitment made to hospital capital expenditures, including

the dates they will be opened, the total costs and amount contributed by the province? [Tabled 4 May 1989]

**Hon Mrs Caplan:** The following new beds are expected to be opened before the end of 1990.

Beds expected to be opened		Year expected to be opened	Institution	Total Project Costs	Capital Grants
Acute	Chronic				
—	36	1989	Georgetown & District Mem Hosp Halton Hills	5,600,000	3,700,000
—	61	1990	St Joseph's Sarnia	28,719,000	19,146,000
—	10	1990	St Thomas Elgin Gen St Thomas	23,701,172	12,500,000
—	15	1990	Memorial Hospital Bowmanville	16,100,000	8,200,000
—	2	1989	Hornepayne Community Hospital Hornepayne	5,178,404	4,312,837
—	100	1990	Sunnybrook Med Centre Toronto	11,952,812	7,968,541
0	224			85,651,388	55,827,378



### PREMIER'S COUNCIL ON HEALTH STRATEGY

**97. Mr Eves:** Would the Premier provide a list of all meetings of the Premier's Council on Health Strategy since its inception, including a list of who attended, the date, and the purpose of the meeting? [Tabled 4 May 1989]

See sessional paper 84.

### INTERIM ANSWERS

**203. Mrs Marland—Hon Mr Sweeney:** A full response cannot be prepared within the time period outlined in standing order 88(d). A full response will be provided on or about 30 July 1989.

**241. Mr McCague—Hon Mr Elston:** In order to collect the information requested, we will require more than the normal 14 days and propose to provide a response approximately 28 August 1989.

### RESPONSES TO PETITIONS

#### WORKERS' COMPENSATION

Sessional paper P-7, re workers' compensation.

**Hon Mr Sorbara:** Bill 162, An Act to amend the Workers' Compensation Act, will result in significant improvements in the Ontario workers' compensation system. The bill does respond to the recent Task Force Report on the Workers' Compensation Board Vocational Rehabilitation Services by providing for timely and effective rehabilitation services. The re-employment obligations placed on employers will assist many more workers to return to work more quickly.

The bill also provides for a new dual award approach to compensating injured workers for the impact of a permanent disability resulting from a workplace accident. In addition, the bill makes provision for supplementary benefits for those current recipients of permanent disability awards who are not being compensated adequately.

The bill has already received second reading and has been sent to the standing committee on resources development for its consideration. That consideration is now in process and should be allowed to continue.

### 1987 CONSTITUTIONAL ACCORD

Sessional paper P-20, re Meech Lake accord.

**Hon Mr Peterson:** The Ontario Legislature approved the Meech Lake accord on 29 June 1988. At the same time, the Legislature adopted the report of the all-party select committee on constitutional reform, which unanimously recommended ratification of the Meech Lake accord and suggested a course of action for future constitutional reform.

The government of Ontario remains firmly committed to the select committee recommendations. The government believes that the Meech Lake accord will contribute to national unity. The great achievement of the accord is that it reaffirms the place of Quebec in Confederation. The agreement remedies the province's distinct linguistic community with a strengthened Canadian nation, thereby fulfilling the promise of renewed federalism made to Quebec during the 1980 referendum.

The opportunity to return Quebec to the constitutional table must be seized as a first step in our continuing efforts to update the constitution.

## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

Second Session, 34th Parliament

**Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC**

- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
 Beer, Charles (York North L)  
 Black, Kenneth H. (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon James J.**, Minister of the Environment (St Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breaugh, Michael J. (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon Elinor**, Minister of Health (Orillia L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
 Collins, Shirley (Wentworth East L)  
**Conway, Hon Sean G.**, Minister of Mines (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L. (Durham East PC)  
**Curling, Hon Alvin**, Minister of Skills Development (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St Catharines-Brock L)  
**Eakins, Hon John F.**, Minister of Municipal Affairs (Victoria-Haliburton L)  
**Edighoffer, Hon Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon Murray J.**, Chairman of the Management Board of Cabinet and Minister of Financial Institutions (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)  
**Fontaine, Hon René**, Minister of Northern Development (Cochrane North L)  
**Fulton, Hon Ed**, Minister of Transportation (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
**Grandmaitre, Hon Bernard C.**, Minister of Revenue (Ottawa East L)  
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)  
 Haggerty, Ray (Niagara South L)  
 Hampton, Howard (Rainy River NDP)  
 Harris, Michael D. (Nipissing PC)  
 Hart, Christine E. (York East L)  
 Henderson, D. James (Etobicoke-Humber L)  
**Hošek, Hon Chaviva**, Minister of Housing (Oakwood L)  
 Jackson, Cameron (Burlington South PC)  
 Johnson, Jack (Wellington PC)  
 Johnston, Richard F. (Scarborough West NDP)  
 Kanter, Ron (St Andrew-St Patrick L)  
**Kerrio, Hon Vincent G.**, Minister of Natural Resources (Niagara Falls L)  
 Keyes, Kenneth A. (Kingston and The Islands L)  
 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
**Kwinter, Hon Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
 Laughren, Floyd (Nickel Belt NDP)  
 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
 Lipsett, Ron (Grey L)  
 Lupusella, Tony (Dovercourt L)  
 MacDonald, Keith (Prince Edward-Lennox L)  
 Mackenzie, Bob (Hamilton East NDP)  
 Mahoney, Steven W. (Mississauga West L)  
**Mancini, Hon Remo**, Minister without Portfolio (Essex South L)  
 Marland, Margaret (Mississauga South PC)  
 Martel, Shelley (Sudbury East NDP)  
 Matrondola, Gino (Willowdale L)  
 McCague, George R. (Simcoe West PC)  
 McClelland, Carman (Brampton North L)  
 McGuigan, James F. (Essex-Kent L)  
 McGuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)  
**McLeod, Hon Lyn**, Minister of Colleges and Universities (Fort William L)  
 Miclash, Frank (Kenora L)



- Miller, Gordon I. (Norfolk L)  
 Morin, Gilles E. (Carleton East L)  
 Morin-Strom, Karl E. (Sault Ste Marie NDP)  
 Neumann, David E. (Brantford L)  
 Nicholas, Cindy (Scarborough Centre L)  
 Nixon, J. Bradford (York Mills L)  
**Nixon, Hon Robert F.**, Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)  
**Oddie Munro, Hon Lily**, Minister of Culture and Communications (Hamilton Centre L)  
 Offer, Steven (Mississauga North L)  
**O'Neil, Hon Hugh P.**, Minister of Tourism and Recreation (Quinte L)  
 O'Neill, Yvonne (Ottawa-Rideau L)  
 Owen, Bruce (Simcoe Centre L)  
**Patten, Hon Richard**, Minister of Government Services (Ottawa Centre L)  
 Pelissero, Harry E. (Lincoln L)  
**Peterson, Hon David R.**, Premier and President of the Council and Minister of Intergovernmental Affairs (London Centre L)  
 Philip, Ed (Etobicoke-Rexdale NDP)  
**Phillips, Hon Gerry**, Minister of Citizenship (Scarborough-Agincourt L)  
 Poirier, Jean, Deputy Speaker and Chairman of the Committees of the Whole House (Prescott and Russell L)  
 Pollock, Jim (Hastings-Peterborough PC)  
 Polsinelli, Claudio (Yorkview L)  
 Poole, Dianne (Eglinton L)  
 Pope, Alan W. (Cochrane South PC)  
 Pouliot, Gilles (Lake Nipigon NDP)  
 Rae, Bob (York South NDP)  
**Ramsay, Hon David**, Minister of Correctional Services (Timiskaming L)  
 Ray, Michael C., Deputy Chairman of the Committees of the Whole House (Windsor-Walkerville L)  
 Reville, David (Riverdale NDP)  
 Reycraft, Douglas R. (Middlesex L)  
**Riddell, Hon Jack**, Minister of Agriculture and Food (Huron L)  
 Roberts, Marietta L. D. (Elgin L)  
 Runciman, Robert W. (Leeds-Grenville PC)  
 Ruprecht, Tony (Parkdale L)  
**Scott, Hon Ian G.**, Attorney General and acting Solicitor General and minister responsible for native affairs (St George-St David L)  
 Smith, David W. (Lambton L)  
 Smith, E. Joan, (London South L)  
 Sola, John (Mississauga East L)  
**Sorbara, Hon Gregory S.**, Minister of Labour (York Centre L)  
 South, Larry (Frontenac-Addington L)  
 Sterling, Norman W. (Carleton PC)  
 Stoner, Norah (Durham West L)  
 Sullivan, Barbara (Halton Centre L)  
**Sweeney, Hon John**, Minister of Community and Social Services (Kitchener-Wilmot L)  
 Tatham, Charlie (Oxford L)  
 Velshi, Murad (Don Mills L)  
 Villeneuve, Noble (Stormont, Dundas and Gengarry PC)  
**Ward, Hon Christopher C.**, Minister of Education (Wentworth North L)  
 Wildman, Bud (Algoma NDP)  
**Wilson, Hon Mavis**, Minister without Portfolio (Dufferin-Peel L)  
 Wiseman, Douglas J. (Lanark-Renfrew PC)  
**Wong, Hon Robert C.**, Minister of Energy (Fort York L)  
**Wrye, Hon William**, Minister of Consumer and Commercial Relations (Windsor-Sandwich L)

\*The alphabetical list of members appears in each issue. Lists of the members of the executive council, parliamentary assistants and members of committees, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.

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# **Hansard**

# **Official Report of Debates**

## Legislative Assembly of Ontario

**Second Session, 34th Parliament**  
Tuesday 18 July 1989

Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 18 July 1989

The House met at 1330.

Prayers.

## COMMONWEALTH PARLIAMENTARY ASSOCIATION

**The Speaker:** Just before I call the first order of the day, I wish to inform the House that I have received notice from the Commonwealth Parliamentary Association Headquarters Secretariat that 18 July 1989 marks the 78th anniversary of the Commonwealth Parliamentary Association. The chairman of the executive committee of the Commonwealth Parliamentary Association, the Honourable Lavu Mulimba of Zambia has stated in his message:

"As we celebrate our 78th birthday, let us rededicate ourselves once again to the cause of our association. Let us all work towards achieving within our lifetime a happier world for all mankind in which love, truth, social justice and fair play are part of our common heritage."

He goes on to say, "I wish every one of you a very happy 78th anniversary."

As all members of this House are members of the Ontario branch of the Commonwealth Parliamentary Association, I felt it important to bring this occasion to your attention.

## MEMBERS' STATEMENTS

### EVENTS IN CHINA

**Mr Philip:** I ask all members of this democratically elected Parliament to join me in expressing our empathy to the people of China and to the Canadian residents of Chinese origin at a time which is very troubling to them.

It is now fairly clear that the government of China is retreating to a centralized, highly authoritarian form of government. One of China's own reports, published 6 July, condemns intellectuals who have spoken out on political and economic issues in recent months. The report admits that the government of China is intensifying its crackdown on dissent.

Amnesty International has stated that people are being tried under a special 1983 regulation that suspends legal rights. One is reminded of the Stalinist regime in Russia and the oppressive

regime in Chile as rewards are given to citizens for informing on fellow citizens.

It is difficult to estimate exactly how many people have been executed or imprisoned for democratically voicing their views. However, Chinese sources have now stated that prisons and detention centres in Beijing are filled to capacity. Furthermore, reports indicate that families and workplaces of those arrested have not been notified.

As parliamentarians, let us express our deep concern to the government of China regarding the actions it has taken against its own people while reaffirming our faith in the determination of these people themselves.

## RAILWAY CROSSINGS

**Mr McCague:** I would like to comment on the remarks made by the Minister of Transportation (Mr Fulton) which appear in an article in today's Toronto Star. As members are aware, two tragic accidents occurred over the weekend at railway crossings in Tecumseth township and Vespra township. The two accidents claimed five lives, two of them children. Concern has been expressed about safety characteristics at railway level crossings throughout Ontario.

Today the minister is quoted in the Star as saying, "I just shudder every time I hear about a railway crossing death." The minister's words are of little comfort to the families of these victims, given the fact that he admits quite outright that he knows of 55 separate railway crossings in Ontario which are considered unsafe. The minister carefully keeps figures on these unsafe crossings, yet he does nothing to correct the situation.

Railway crossing installation costs are shared between the railways, the federal government and the provincial government. The minister is acting irresponsibly when he states that the matter belongs to the federal government. Ignoring the fact that the lives of a great many people are at risk, the minister instead chooses to engage in political infighting with the federal government. Shame on him.

## PAROLE

**Mr Owen:** The tragedy of a young life lost in a senseless accident can be profoundly disturbing



to us all. Often we want to know how it happened and what can be done to avoid similar tragedies in the future.

Last year, a young man riding his bicycle outside of Barrie was struck down by a parolee who had been drinking heavily and driving a stolen vehicle. The jury at an ensuing inquest made a number of suggestions which I strongly recommend to the government for its consideration. These suggestions were:

1. The Highway Traffic Act be amended to include a provision making it illegal to leave keys inside unattended vehicles;
2. The Ontario Board of Parole come to a unanimous decision before granting parole;
3. If the parole panel decides against the preparole recommendations, it must provide a specific explanation in writing;
4. Repeat offenders in nonviolent crimes should be considered as risky in the parole board criteria;
5. Records, including those held back through the Young Offenders Act, be in the hands of the parole panel during its hearings;
6. Plans allowing for a suitable place to live and a job search or education plan be mapped out before a prisoner is released on parole;
7. The mandate of the parole board be expanded to include halfway houses;
8. The parole board use a checklist as an objective way of measuring an applicant's suitability for parole.

Implementation of these recommendations should help to prevent tragedies of this type from recurring. He was a bright young man with a wonderful future. Let us act so he did not die in vain.

#### SUPPLY OF TEACHERS

**Ms Bryden:** Today's headline in the Toronto Star tells us that we face a shortage of 2,500 qualified teachers in Ontario this year. Recent statistical projections have warned the minister that a crisis situation was developing due to increased retirements, a drying up of supply-teacher sources and many other demand factors. The fourfold jump in applications for special letters of permission for school boards to hire unqualified teachers which occurred last year has highlighted the problem.

Despite prodding by the New Democratic Party Education critic and others, the minister has displayed a shocking lack of planning. His ministry intends to increase teacher training spaces by less than one fifth of the looming teacher shortage. New demands for French as a

second language, technological studies and music are not being met.

When will the minister stop telling us that the Titanic is not sinking and step up his planning to meet the crisis?

It is not fair to pupils and their parents that they have to accept this kind of education, possibly for their entire school life. They also have to accept portable classrooms. The minister must announce a policy to meet the teacher shortage as soon as possible and for as long as the need continues.

1340

#### EDUCATION FINANCING

**Mr Jackson:** During the 1985 election campaign, this Liberal government promised to raise the provincial share of educational funding to 60 per cent over five years. But instead of increasing funding, the Liberals have let it steadily drop. This year, they are providing only 42.7 per cent of educational costs. As a direct result of these policies, the Liberals have forced boards to pass on double-digit education tax increases.

I would like to read a partial list of the Liberal legacy to property taxpayers in Ontario: Stormont Dundas and Glengarry county, 17 per cent; Renfrew county separate, 16.7 per cent; Leeds and Grenville county, 16.5 per cent; Prince Edward county, 15.8 per cent; Northumberland and Newcastle, 14.8 per cent; Stormont Dundas and Glengarry separate, 14.6 per cent; Metropolitan Toronto and Metropolitan separate, 14.4 per cent each; Durham, 14.3 per cent; Frontenac-Lennox and Addington county separate, 13.8 per cent; Timiskaming, 13.4 per cent; Grey county and Carleton, 12.9 per cent; North Shore, 12.8 per cent; Haldimand-Norfolk separate, 12.3 per cent; Ottawa, Lincoln county and Lincoln county separate, 12 per cent; Wellington county, 11.6 per cent; Frontenac county, 11.4 per cent; Nipissing and Nipissing district separate, 11.3 per cent; Sudbury, 11.2 per cent; London, 10.3 per cent, and Brant county, the board of the Treasurer (Mr R. F. Nixon), 10.5 per cent.

What a legacy of Liberal underfunding in education.

#### CLEAN-NIAGARA

**Mr Dietsch:** Today my statement is about young people, young people who have shown the desire to learn about key environmental issues and who are actively pursuing a firsthand approach in helping to resolve them.

Clean-Niagara is a group of six teenagers who are part of the Environmental Youth Corps and



whose aim is to further beautify the town of Niagara-on-the-Lake. Various public parks and other recreational spaces are targeted for clean-up. Furthermore, the group is determined to rid Niagara's shoreline of garbage.

J. B. Hopkins is supervisor, and he is joined by Melanie Lepp, Melissa Smith, Nsenga Bansfield, Colin Johnson and Peter Swanson. They are the six young people who possess such a tremendous sense of responsibility towards their community.

Elizabeth Rothmel, a teacher from Niagara District Secondary School, first interested the students in the project last fall when they began a recycling program at the school, and they have never looked back.

The six of them could have taken jobs which were easier and that paid more money this summer, but they have sacrificed this for the sake of their community, our environment and the citizens of Niagara-on-the-Lake.

I believe we may all learn a lesson from this crew of committed young workers, and I ask this House to commend their efforts and join with me in applauding their work.

#### ART SHOW

**Mr Morin-Strom:** I would ask that the Minister of Tourism and Recreation (Mr O'Neil) undertake to investigate immediately the restriction on an art show which is expected to begin on 21 July, just three days from now, at Ontario Place.

General Motors has taken steps to restrict the artistic freedom of a show that was to take place at the Ontario North pavilion at Ontario Place, sponsored by the Art Gallery of Algoma in Sault Ste Marie.

This art show is about to commence, and General Motors has now raised an issue as to why a Porsche is included in the exhibit, which is entitled *The Outer Edge: Images of Speed*. General Motors was given first opportunity to be part of the exhibit. They refused, and now they are trying to stop this artistic endeavour.

#### ORAL QUESTIONS

##### NATIVE LAND CLAIMS

**Mr B. Rae:** I have a question for the Premier. It arises from comments he made yesterday outside this House in answer to certain questions about the state of negotiations with the Tem-Augama Anishnabai band, whose chief is Gary Potts. The Premier said outside, as quoted in this morning's *Globe and Mail*, that "nothing's

turned down flatly," and that discussions and negotiations are continuing.

I spoke with Chief Potts at some length this morning on the telephone and he tells me that, contrary to what the Premier said yesterday to the press, the proposal by the band of a six-point program, including a moratorium on construction of the two roads as the basis for negotiation, was turned down flatly by the cabinet. That was indicated to him by the negotiator, Mr Feilder, the representative of the Ministry of Natural Resources.

#### The Speaker: Question.

**Mr B. Rae:** My question to the Premier is, can he tell us what proposals the government has put before the band that could be described as the subject of negotiation?

**Hon Mr Peterson:** There are ongoing discussions with the band on a wide variety of things. They have their agenda, as my honourable friend knows, as we have our ideas. A land claim offer was made some time ago, I think a couple of years ago. It started discussions and they have been ongoing about the entire area and about forest management, land claims and a variety of other things.

Just because they present a proposal that is not accepted 100 per cent does not mean that discussions will not continue. I would not think my honourable friend would expect me to stand up and, just because they present a proposal, accept it completely. Negotiations do not work that way.

**Mr B. Rae:** I asked the Premier a specific question. He is saying there are discussions and negotiations; the chief is saying there are no discussions and negotiations, because there is nothing to discuss. The government has put forward no alternatives to the proposal put forward by the band. This is a critical issue involving native rights and the environment. It is an issue which affects a very important heritage of all the citizens of this province and, in particular, of our native people. I think people are entitled to know.

If the Premier is saying there are discussions and negotiations and the chief of the band says no, that's not the case, then perhaps he can tell us, what is the counterproposal he has put forward to the chief that is the basis for the discussions which he himself now is telling the House are ongoing?

**Hon Mr Peterson:** The member understands enough about negotiations. The people put their positions, then they say they are not going to



discuss the other person's point of view and then go back and discuss it; things are various and ongoing. I do not think my honourable friend should get too excited about that. He knows that the whole issue of the road has been through environmental assessment and the courts. The land claim has been through the courts and through appeal. It has been there for a very long period of time.

Even after the court case, which supported the government's position, the ministers went back to the band and said, "We would like to continue the negotiations"—the discussions, if you will—"and we could put forward an offer on land claims." Certain things are turned down on both sides, but certainly that should not get my honourable friend too upset. That is the way that discussions go on in these kinds of matters.

**Mr B. Rae:** What I am upset about and what I think the chief and the native people are upset about is a statement by the Premier outside this House that nothing has been turned down flat when, in fact, the proposal for the moratorium was turned down flat. The band has made it clear that it is very difficult to negotiate with a government that is already proceeding with a road as the discussions are going ahead, so that by the time they end up reaching a settlement, the trees will have been taken out.

The critical question that I put to the Premier for the third time is, if he is discussing something, what is the proposal put forward by this government in response to the negotiated settlement put forward in good faith by the native people?

**Hon Mr Peterson:** My honourable friend feels, after all the time that was spent on environmental assessment and in the court with respect to the road, that we should back off. I can tell my honourable friend that it went through every legal avenue and every reasonable discussion. I think an observer of the situation would have to say that that is the case. Obviously, there is a difference of opinion on those matters.

As I recall, the Attorney General (Mr Scott), in his capacity as minister responsible for native affairs, put forward a proposal with respect to a land claim. That is still on the table and those discussions are there and available for anybody to discuss any time.

1350

The member will realize that at certain points there is an intensity to the discussions and at other points there is not. It is not take it or leave it. Sometimes people put to us take-it-or-leave-it proposals and he would not want any government

to negotiate under that kind of atmosphere, but I can assure him that we are prepared to sit down at their pleasure to discuss the matter of a land claim. We have been trying to resolve this for a long time. He would not expect us to not protect the interests of all Ontarians, and that is what we are doing.

#### USE OF CHARITABLE FOUNDATIONS' FUNDS

**Mr B. Rae:** My question is to the Minister of Revenue (Mr Grandmaître). It concerns the granting of charitable status, a decision that is made by the Department of National Revenue, to certain charitable foundations which have taken place over the last number of years. Upon the granting of that status, certain tax rebates flow from the provincial government.

We have had some difficulty getting information from the Ministry of Revenue with regard to what has taken place. I wonder if the minister can tell us precisely how many charitable foundations in the housing field have received retail sales tax rebates from the government of Ontario.

**Hon Mr Grandmaître:** I am surprised that the Leader of the Opposition did not get full co-operation from my ministry. I will make sure that he will be provided with all the answers needed to his questions.

To be more specific, I can tell the honourable member that in the fiscal year of 1989 we processed close to 1,500—I think it was 1,450—applications. The distribution of dollars was very close to \$8.5 million.

**Mr B. Rae:** I am particularly interested in the housing question, because that obviously is the one which received some considerable publicity. There are a number of so-called charitable foundations that are described as charitable foundations that were established by Roger Davidson, who was linked to the Tridel Corp and to the DelZotto interests as early as 1980 in establishing a number of charitable foundations or companies that had the name of "charitable foundation" and that subsequently received hundreds of thousands of dollars in tax rebates from the government of Ontario.

I want to ask the minister, with respect to the two charitable foundations that have appeared in the newspapers today, the Artisan Charitable Foundation and the Coral Charitable Foundation, these are no doubt simply the tip of the iceberg with respect to other housing projects. I would like to ask the minister, what kind of follow-up, investigation and auditing does the Ministry of Revenue do to ensure that sales tax rebates given



to a charitable foundation are, in fact, used for the purposes for which they were intended.

**Hon Mr Grandmaître:** The honourable member knows that this organization—the religious, charitable or benevolent organization or foundation—has to apply to the federal government for such a registration number. Under the retail sales tax of Ontario we do not add a clause that says where this refund should be applied, on the mortgage or elsewhere, but the qualifying organization must be approved by the federal government, the Department of National Revenue, and also by the Ministry of Revenue.

As for the two organizations or foundations pointed out by the honourable member, I cannot provide him with the exact figures. I can tell him that when the applications were filed they were thoroughly audited by the Ministry of Revenue and they qualified. If the honourable member wants more specific information, I can provide him with all the facts.

**Mr B. Rae:** We are talking about millions of dollars which have gone to housing schemes over the last 10 years, we are talking about the potential loss to the taxpayers of a lot of money and we are also talking about the diversion away from a charitable foundation and from a housing project to the construction company—in this case, Tridel—which profits to the tune of hundreds of thousands, indeed millions of dollars, because of the way in which these foundations were established and the way in which the ministry is responsible for what is going on.

I want to ask the minister, what does he intend to do if he is presented with evidence that money that goes from the Ministry of Revenue in a sales tax rebate to these foundations is in fact not being used to reduce the mortgage, not being used to maintain the building, but is simply being used to pay off Tridel? What is he going to do then?

**Hon Mr Grandmaître:** The honourable member knows that the Retail Sales Tax Act or any other act this government has introduced, or that was previously introduced, is continually reviewed. I am sure the Retail Sales Tax Act is no exception. Also, I can tell the honourable member that my ministry and the Department of National Revenue can certainly look at better qualifying status and we will work on it. I want to remind the honourable member that there is no such law at the National Revenue department in Ottawa, or in the Retail Sales Tax Act, that guides those moneys to the reduction of the mortgage, but it can be pursued with the federal government.

## HOSPITAL FINANCING

**Mr Brandt:** My question is for the Minister of Health. In April 1986 her government announced 4,400 new hospital beds at a capital cost of some \$850 million. At that time the then Minister of Health very proudly stated this was the largest capital allocation in the history of this province. The time frame for completion of those 4,400 beds was to be in 1990. I wonder if the minister could indicate, based on her present time frame and her knowledge of the construction schedules for those projects, how many beds will actually be brought on stream by the year 1990, which was her established target date.

**Hon Mrs Caplan:** The leader of the third party will know that we have discussed this matter at length during estimates. A number of important initiatives have been undertaken. Significant ones were the recommendations of the Premier's Council on Health Strategy and its report, *From Vision to Action*, which acknowledged that in fact much information was new and that beds were no longer the benchmark in provision of services.

The Minister of Community and Social Services (Mr Sweeney) announced a long-term care strategy which would acknowledge that, with the highest rate of institutionalization in the western world, there may be opportunities to allow people to remain in their communities as long as possible. I have made a commitment, in light of the new policy for level-of-care funding and a new way to make sure that people admitted to institutions really need to be there, that we would review our capital plan to make sure it was responsive to the goals we have established. I want to assure him that we have begun that review.

**Mr Brandt:** The Treasurer (Mr R. F. Nixon) is applauding because he did not have to fulfil his commitment for some \$850 million for those capital projects. Let me help the minister. I put a question through to her ministry in Orders and Notices. The response I received was that she plans on having open 300 beds out of the 4,400 she promised or a shortage, if we can believe this, of 4,100 beds. As of last year, she had 80 open and functioning, after years of planning and preparation.

Is the minister now saying she is going to break her commitment to all the regions across this province, which have not in any way been informed of a change in her policy yet? They have not been advised that there is a withdrawal of funds. What are the minister's plans with respect to the period between now and 1990,



when the government has a commitment to deliver or to clearly change its policy?

1400

**Hon Mrs Caplan:** I would like to thank the leader of the third party for the opportunity to make very clear our commitment and the commitment of this government to meet the real and changing needs of the people of this province.

Notwithstanding the fact that we have the highest rate of institutionalization in the western world, we know that the only opportunity we have to make sure that we can respond to these challenging and changing times is before the shovel goes in the ground.

I have been meeting with communities. I have been asking them to review their plans to make sure they in fact respond to what the people of this province tell us they really want, and that is services, not simply a bed in an institution. We are not only listening, we are making sure that our planning will result in meeting the real needs of the people of this province.

**Mr Brandt:** Let me tell the minister what the people of Ontario want. The people of Ontario do not want 2,000 hospital beds shut down over the summer period. Fully 1,000 of those beds are directly attributable to the funding from the Ministry of Health.

Set aside for a moment the 4,400 beds I mentioned earlier, which the minister has no hope of fulfilling in terms of the promises made. She was quite willing to accept the headlines. The Ottawa Citizen said they were going to get \$117 million and over 600 beds; the Toronto Star said Metro hospitals were to get 556 beds; the Oshawa Times said \$20 million for 306 beds in the region; the Kitchener-Waterloo Record said the region will get a share of 889 beds. All of these misleading headlines are as a result of the Ministry of Health and the former Minister of Health indicating that there would be \$850 million and 4,400 beds constructed.

**The Speaker:** And the question?

**Mr Brandt:** If the minister is going to break the promise, let her tell the people of Ontario she is going to break the promise.

**Hon Mrs Caplan:** In fact, just last year alone the ministry spent more than \$90 million on capital projects around this province, which included Sarnia's St Joseph's Hospital.

I want the member to know that I am listening to the people of this province and what seniors are saying to me is, "Elinor, I fear more than anything else inappropriate institutionalization."

They say to me, "I fear loss of my independence." They are saying, "Help us to stay at home as long as possible." I am listening.

#### SUPPLY OF TEACHERS

**Mr Brandt:** I am going to try the Minister of Education. The Minister of Education is aware that there are now some 2,500 unqualified teachers in the school system in Ontario teaching some 70,000 pupils. Is the minister satisfied with that record of accomplishment, knowing full well that it was his government that said it was going to establish education as a priority? Is he not ashamed of that record?

**Hon Mr Ward:** The leader of the third party should be advised that in fact his information is incorrect. There are not 2,500 unqualified teachers teaching in this province. In fact, last year there were a number of teachers who were hired by boards throughout the province on letters of permission to supply teach in some circumstances, but they are not permanently teaching within the schools in this province. I believe the honourable member has his facts somewhat distorted.

**Mr Brandt:** I think the honourable minister has his facts somewhat distorted.

**Hon Mr Kerrio:** Oh, no.

**Mr Brandt:** Does the minister not like the parliamentary language? It is exactly the same language the Minister of Education used.

In 1986, this government was warned of the fact that there would be a severe teaching shortage in this province before the year 1990. What has the minister done about it and what is he going to do about it?

**Hon Mr Ward:** The member will know that over the course of the past several years we have increased the number of positions at the faculties of education at universities throughout this province. As a matter of fact, through mechanisms such as the program adjustment fund of the Treasurer (Mr R. F. Nixon), enrolment in faculties of education has gone up, I believe in the neighbourhood of some 15 per cent last year and a similar increase this year. The fact of the matter is that some 25 to 30 per cent of all those who graduate from faculties of education in this province have not yet even been able to find permanent positions in school boards throughout Ontario.

I would just say to my friend the interim leader that the figures he is referring to in his original question relate to letters of permission that were utilized by boards to fill, on a very temporary



basis, supply teaching positions. I think that, too, speaks to the fact that many qualified teachers in this province have been seeking permanent positions, and I do believe the numbers that he has indicated that suggest there are 2,500 unqualified teachers in permanent positions are inadvertently incorrect.

**Mr Brandt:** I would not want to be inadvertently incorrect with the minister. He knows full well that there are 7,000 teachers demanded in the system for next fall. As well, he knows there are 4,500 graduates who will be available to fill those 7,000 postings. The minister also is aware of the fact that his government's policy to reduce classroom size in grades 1 and 2 from an average of 30 pupils to approximately 20 puts an additional demand of 4,000 new teachers required in the system.

What does the minister plan to do with respect to the projected shortfall? With the deepest of respect, I want to say that this is not a figment of my imagination. These figures are coming out of the Ministry of Education and from the boards of education. They want to know where they are going to get the personnel to fill the jobs that they are going to have coming up this fall. What is the minister going to do about it?

**Hon Mr Ward:** I would be happy to run through with the interim leader the steps that we have taken in the last couple of years. First of all, he will know that we recently completed a very major review of teacher education in this province. We have proposed some very fundamental changes that will begin to take effect in the coming year—first of all, the creation of the Ontario Teacher Education Council, the transfer of responsibility for faculties of education from the Ministry of Colleges and Universities back to the Ministry of Education so that stakeholders in education can have a much more direct involvement of induction into the teaching profession as well as into ongoing professional upgrading.

He will know that we have increased the number of positions at faculties throughout this province. We are working very closely with boards in monitoring their needs as well as their hiring success rates, and, frankly, most boards have hired all of the permanent positions that they require for this coming fall. Having said that, I will acknowledge that there are some short-term supply difficulties in areas such as French-language programs with the tremendous explosion of growth in those areas, but I would say that the situation—

**The Speaker:** New question?

**Mr Wildman:** To the Minister of Education on the same issue: Even if the minister deducts the 1,700 supply-teaching letters of permission from the total, that still leaves us with approximately 800 teachers on letters of permission who are teaching in permanent positions. How can the minister justify a sixfold increase in the number of letters of permission since 1986 in Ontario with the very small increases in places in faculties of education in the province? This does not really indicate that the ministry and the faculties are moving to meet the demand.

1410

**Hon Mr Ward:** I will try as best as I can to respond once again to the member for Algoma (Mr Wildman) in a similar vein as I did to the interim leader of the third party. First of all, the letters of permission are not utilized for permanent teaching positions in very many instances at all.

There are some circumstances, for instance, in the area of technical education, where in my view and in the view of many people it is very helpful to have experience in the private sector in those areas. It is true that it is difficult to attract those with that kind of background into the faculties through the university system.

Again, there are a significant number of technical education teachers who teach in our schools through letters of permission. I, for one, do not believe that the quality of education suffers in any way because of this fact.

Second, there is an enormous pressure on French-language teachers—I am sure the member will acknowledge it—with the explosive growth of French immersion programs in the last five years.

**The Speaker:** Thank you.

**Mr Wildman:** Will the minister confirm that while there is a shortfall of somewhere in the neighbourhood of 3,000 teachers to meet the need this year, there was an increase of only 10 per cent or 400 positions in the faculties of education and that at the University of Toronto there were 8,000 applicants and only 50 places more?

If those figures are correct, does the minister agree that it is not appropriate in Ontario that the main way for people to get into a faculty of education is to have been a supply teacher for about a year in this province?

**Hon Mr Ward:** No, I would not concede to the member that there is a shortfall in terms of permanent teachers of the magnitude he has indicated. As a matter of fact, I would put to the



member and assert that over 5,000 graduates from faculties of education in this province over the course of the last four years have not yet been hired into permanent positions. So I would suggest to the member that the shortfall of which he speaks is somewhat overstated.

#### NONPROFIT HOUSING

**Mr Harris:** I have a question for the Minister of Housing. The minister will know there is a growing concern about relationships that exist between certain development interests and certain nonprofit charitable organizations. In fact, a new and disturbing trend appears to be emerging where nonprofit groups are now being approached, and even created, by developers with a view to packaging housing projects for consideration and funding by her government. These projects, by their very nature, are being approved without any tender for the land, architectural services, construction, financing or consulting services.

I wonder if the minister can tell me how many of these kinds of packaged, untendered projects have received Ontario government funding or commitments since she has been minister.

**Hon Ms Hošek:** I will undertake to get information on the question that the member asked, but it is so broad that it is a little difficult to answer. I think what I can tell the member, from reading the newspaper as he did today, is that apparently some of this kind of building of nonprofit housing by charitable organizations did take place under the program that was funded by Canada Mortgage and Housing Corp in the period before 1985.

In our ministry we fund nonprofit groups on the basis of the need and the demand that they are able to demonstrate for the housing in their communities. It is then up to the nonprofit groups to decide how exactly they are going to build the housing that is involved here. It is up to them to choose who the builder is and who they are going to work with as development consultant to make sure that the project gets built.

**Mr Harris:** The minister seems to have a simplistic notion that if you throw enough money at the problem, the problem will go away. I believe that explains two things: (1) why she is a Liberal and (2) why the problem is getting worse.

Tendering is not a novel concept, it is not a novel idea, it is not a Conservative plot to limit housing. It is an accepted practice in most civilized democracies to ensure value for the dollar, to ensure a fair competition and to preserve the integrity of a tax-based funding

system. There are billions of provincial tax dollars up for grabs.

Why in the world would the minister not insist that every single nickel of government money that goes into a project be conditional on an open and fair public tendering process for the architects, for the consultants, for the land and for the builder that is going to build that project, so that we can have integrity and fairness in the system?

**Hon Ms Hošek:** I recall very vividly standing in this House before the April 1988 budget and hearing the member opposite complain that the Ministry of Housing was not spending enough money on nonprofit housing. Now we have clearly made a commitment to spending a lot of resources on building nonprofit housing and building it—

**Mr Harris:** How much of it was tendered? That is the question.

**Hon Ms Hošek:** Is the member interested in the answer to his question? Then perhaps he should listen to the answer.

We have a method of allocating resources to nonprofit groups all over the province to make sure that they build housing all over the province to meet community needs. We also have agreed upon ways for them to go through the process of choosing developers, choosing builders, choosing housing consultants. That is an extremely important method.

We believe that our work with the nonprofit sector has been extremely good. Also, the Provincial Auditor is always available to look at our records, and does so regularly to make sure that there is value for money and that buildings are built at a reasonable price and that people in this province get the housing that they need.

#### ALCOHOL ABUSE

**Mr Owen:** I have a question for the Minister of Health. Immediate publicity seems to dwell on drugs such as crack and cocaine, but alcohol continues to kill more children than any drug. Underage drinking contributes to one out of four weekend driving accidents. The age group of 16 to 18 years involves 25,000 traffic accidents a year. Studies show that 35 per cent of Ontario high school students from grades 11 to 13 admit to drinking and driving, and nearly 70 per cent of Ontario students between grades 7 and 13 consume alcohol.

My question to the minister is, in terms of programs and cost, what is this province doing to address what I perceive as a major problem for the province?



**Hon Mrs Caplan:** I would like to acknowledge the member's interest in what I believe, as well as he, is a very significant issue and challenge facing us in the province. In fact, alcohol abuse is the number one substance abuse in the province.

My ministry's community mental health branch has responsibility for addictions programs for people 16 years and over. As well, the health promotion branch is involved in a variety of activities to prevent alcohol abuse at all ages. The Ministry of Community and Social Services has responsibility for programs targeted specifically to children under age 16.

This year the Ministry of Health will spend \$43 million on 150 community-based addictions programs. I am pleased to tell the member that since 1987-88, spending has increased by \$17.6 million, and that is a 68 per cent increase over the past two fiscal years. I want him to know that there is much to do, that we are very active in ensuring both new and expanded programs—some 37 last year were funded—but that in fact this is a major initiative for the province.

**Mr Owen:** I would like to bring to the attention of the minister what the problem is costing this province. It is estimated that alcohol-related problems cost the Ontario health care system more than \$2.5 billion annually, which is double the medical cost caused by the abuse of illegal drugs. At the same time, law enforcement in alcohol is estimated to cost, in total, \$500 million, which would be about double the cost spent battling illicit drugs.

The government is to be commended that we have been addressing the problem that we should not be drinking and driving. My question to the minister then is, what can be done to get across the message that drinking to excess is dangerous to one's health whether one is driving or not driving?

1420

**Hon Mrs Caplan:** I think the member points out quite clearly that substance abuse, including alcohol, is a very significant and important focus for our society and one which the community mental health branch as well as the health promotion branch within the ministry take very seriously in their responsibility.

A three-year, \$4.5-million healthy lifestyles promotion program, which was launched last October, has the three components: not only the advertising strategy, but a community support component and a community action strategy. In response to the member, I think the community action strategy is particularly significant, be-

cause it will hold community forums which will be bringing people together.

Hopefully, community coalitions will be formed, where we believe they have the expertise and the knowledge to build strong and supportive communities to achieve one of our goals identified by the Premier's Council on Health Strategy, which will lead to healthy lifestyle activities, raising the consciousness in the communities to support their youth to make a healthy choice, because we know that health is a great feeling, to make sure that they do not abuse substances, particularly alcohol.

#### WATER QUALITY

**Mr Charlton:** I have a question for the Minister of the Environment. The minister will be aware of the controversy which has evolved around the ground-water and well-water situation in Mill Grove in the town of Flamboro in Hamilton-Wentworth. The minister will be aware that the 1976 regional settlement study indicated that the use of the groundwater aquifer in Mill Grove was already at capacity and that, "Future growth within Mill Grove is not recommended until existing water supply problems are rectified."

There has been nothing done to change that situation since 1976. At the time the population was 600; it is now well over 700 with additional development having gone in. The community is concerned about elevated levels of nitrates in the water and about other possible contamination and problems around septic systems.

**The Speaker:** Your question?

**Mr Charlton:** Will the Minister of the Environment go into Mill Grove and do a complete water study of the ground-water and well-water system in Mill Grove to determine whether in fact that water system has reached, or perhaps even surpassed, its capacity because the recommendations of the settlement report have not been followed?

**Hon Mr Bradley:** I would be pleased to do a thorough analysis of the situation in the area. What the member describes is a matter of concern in many jurisdictions, and that is where a jurisdiction wants to grow and, at the same time, there is a concern about the capacity of the water system, either in terms of providing water that people can use for drinking and washing purposes or whether the sewer system is capable of handling it.

In specific instances there are, through the testing that is done, results that have come out which are not as desirable as people in the area



would like. Certainly I would be pleased to look into the matter further to determine the extent of the problem and what remedial action can be taken.

**Mr Charlton:** In this particular case, testing done by the ministry indicates nitrate levels in the water, for example, to be about four times the recommended level for drinking water. This has got residents in that community seriously scared. One of the recommendations in the settlement study, as a preferred option for the settlement at Mill Grove, is a communal well, which has never been followed up on.

I think the minister is the key person responsible for ensuring the safety of residents in terms of using their well safely, and a full investigation on his part is the only way this situation can be laid to rest and the proper solution found.

**Hon Mr Bradley:** Ordinarily the practice we follow is that a regional municipality—in this case, my guess would be that the regional municipality is responsible for water and sewers—brings forward requests for funding of specific projects, which we as a ministry then look at on a priority basis, giving the highest priority to those which have the greatest environmental problems. In other words, growth is not the highest priority; it is the environmental problems that would rate the highest on that particular list.

I think it is close to \$200 million that the Treasurer has allocated this year for those purposes. Usually the request comes from the region. I am not intimately aware personally of a request that has come from the regional municipality in this case, but I would be prepared to look into it further and to look very carefully at the suggestions of the member and of other members in the area who I know have expressed concerns about that.

#### MUNICIPAL TAXATION POLICIES

**Mr Cousens:** I have a question for the Minister of Municipal Affairs. The minister will be aware that the municipality of Metropolitan Toronto has decided to advance its tax collection dates from the various area municipalities. It is estimated that this will cost the city of Toronto \$9 million next year, North York, \$9.5 million, and all of the Metro municipalities a total of \$27.5 million.

Can the minister tell this House whether he supports this action by the municipality of Metropolitan Toronto?

**Hon Mr Eakins:** I think this is something for discussion among the municipalities and it is

something they should be consulting on to arrive at the appropriate decision.

**Mr Cousens:** Presently the area municipalities, such as North York and Scarborough, are forced to collect not only their own taxes but also those for Metropolitan Toronto. The minister will know that Ontario school boards have the power to collect the taxes they levy.

Does the minister intend to provide Metro Toronto with the same power or with the power to collect taxes on behalf of all area municipalities?

**Hon Mr Eakins:** Legally the Metro Toronto council and others have full responsibility on this. As I said before, I think it is something that they should be meeting on and discussing among themselves on order to arrive at the appropriate solution.

#### SKILLS TRAINING

**Mr Chiarelli:** My question is to the Minister of Skills Development and it is concerning his announcement last week regarding the skills program and, in particular, the high school apprenticeship program. As the minister is aware, there has been much publicity and attention given to the shortage of skilled workers in the trades. Can the minister tell the House how this program will help to alleviate the shortage of skilled workers in the province?

**Hon Mr Curling:** I want to thank the honourable member for his deep interest in the program. As the member knows, I am very concerned about the plight of industries that are experiencing tremendous shortages in regard to skilled workers. The program which the member has a keen interest in, the apprenticeship program, would allow an earlier entry of the apprenticeship students into the program.

As the member is quite aware, many of the apprentices come into the program at a very late age, at 24 or 25. This apprenticeship program would allow young people in grade 11 or grade 12 to enter the program at an earlier time.

**Mr Chiarelli:** I understand the ministry is working quite closely with the Ministry of Education and the various school boards across the province on this program. In particular, I understand that two school boards in the Ottawa area have expressed an interest in this particular program.

Can the minister indicate what stage the program is at and when these school boards might be able to begin their programs should their applications be approved?



**Hon Mr Curling:** The program itself makes it more accessible, more adaptable and more appealing to young people. I am very excited to announce that three other school boards have already indicated strong interest and will be starting the program in the coming September. The boards of Wellington, Timiskaming and Windsor have indicated their interest.

I have also learned that the Ottawa school board and the separate school board there have indicated their interest. There are many things to be worked out, working together to get the curriculum right. I am quite sure that with the experience of those three boards that have indicated their interest and which will be starting in September, the Ottawa school board and the separate school board will be on stream very early.

#### AUTOMOBILE INSURANCE

**Mr Laughren:** I have a question for the Chairman of Management Board and the person responsible for the mess of auto insurance in this province. The Minister of Financial Institutions will know that he imposed a 7.6 per cent cap on the increase of insurance premiums this year. Could he tell us what steps he has taken to prevent an insurance company from simply transferring a policy to another arm of its conglomeration in order to increase insurance premiums by more than 7.6 per cent?

1430

**Hon Mr Elston:** We have had a certain amount of delays putting in place the legislation about which the member spoke. He recognizes the reasons for those delays in this House. He knows that when he reports to me certain specific instances, we would look after the inquiries made into those. If he will bring forward those inquiries, I can address those on a case-by-case basis so we can pursue fairness for the consumers.

I can tell the honourable gentleman, as he knows and as the public knows, that there have been certain companies that have refrained from writing new business, in fact, certain companies which have not continued to write business, and in those circumstances where that occurs and where classes of business are no longer written by companies, there will inevitably be a transfer of business to a new company writing a new policy for a new insured.

From the point of view of the honourable gentleman's question, the Ministry of Financial Institutions and myself, as minister, continue to be active in monitoring the situation and review-

ing those files with specifics which come to us so we can in fact intervene and do as much work as possible to protect the interests of the consuming public in Ontario.

**Mr Laughren:** The minister is not doing monitoring. He is simply an accomplice to the fraud and the deception that is going on out there in the automobile insurance industry. How else—

**The Speaker:** Order. Perhaps we had just better ask a question in a civilized sense.

**Mr Laughren:** How else can the minister explain how a company, such as the Canadian Commerce Insurance Co, could tell a policyholder that it was transferring the policy to another company, called Cornhill Insurance Co Ltd, increasing the premiums by almost 30 per cent? At the same time, the addresses of the companies are identical. The president and the president's signature of the two companies are identical. How in the world can the minister sit there and watch this deception and fraud occur—with him as an accomplice to it; otherwise, it would not still be happening. There is no other reason—

**The Speaker:** Order. Really. For the second time, you accuse the minister of being an accomplice to fraud. Will you withdraw it?

**Mr Laughren:** Yes, I will withdraw that and simply ask the minister—

**The Speaker:** Order. I wish the member would respect this place.

**Mr Laughren:** Well, I do—

**The Speaker:** Order. Minister?

**Hon Mr Elston:** I take seriously the need to protect the interests of the consumers. I do that when people bring cases to my attention. If the member had been interested, as I am, in the consumers, he could have brought the case directly to me and I would have looked into it.

The honourable gentleman accuses people, at liberty, of being involved in fraud and, like his leader and like the third party, seems to take delight in casting aspersions on the character of the members of this government, when he knows full well that we stand up and we support the need for consumer information, we support the need for good government, we support the need for fairness and integrity in the system.

He, above all others, whom I have served with for some time, should know better than any that I do not participate in fraud, I will not participate in fraud and I will never accept that sort of name-calling in—

**The Speaker:** Order. Will the minister take his seat?



Interjections.

**The Speaker:** Order. I know now why the tradition is that the seats are placed two sword-lengths apart. However, it might help—

Interjections.

**The Speaker:** Order. I believe it would help immensely if all members would address their comments through the chair.

#### ASSISTANCE TO FARMERS

**Mr McLean:** My question is for the Premier. As the Premier is aware, he recently received a letter, dated 10 July, from the Ontario Fruit and Vegetable Growers' Association, asking for a meeting with him to discuss the severe crop losses suffered by Ontario horticultural farmers during the drought in 1988.

Will the Premier be meeting this week or soon with representatives of this group, who are being denied any assistance under the federal drought relief assistance program?

**Hon Mr Peterson:** I understand my honourable friend being very critical of the federal government, as most Canadians are, on these matters.

I have not seen the letter my honourable friend refers to. As he knows, I get many requests for meetings and I try to meet with as many people as I possibly can.

One of the things I will be doing is taking the advice of my esteemed colleague the Minister of Agriculture and Food (Mr Riddell) on this matter, who is, as he knows, very sympathetic to the growers, understands their problems and stands always ready to work with them. I stand ready to work with him as well to assist the growers in any way we can.

**Mr McLean:** It may be interesting to the Premier that in this letter they indicate, "We feel that Mr Riddell's untimely refusal to co-operate on this matter may very well jeopardize the process and deny the horticultural industry its fair share of the drought assistance program."

This is a program that is done in co-operation with the federal government and the provincial government. It appears that the Minister of Agriculture and Food is not interested in co-operating, and that is why the group wants to meet with the Premier. Will the Premier be having a meeting with them upon their request?

**Hon Mr Peterson:** As I said, I am not aware of the letter or the request. As the member knows, I get hundreds of requests for meetings and, as I said, I try to be as co-operative as I can. I am sure the minister is on top of the situation. I

have every confidence in his ability. Certainly, if necessary, I am happy to meet with anybody I can to be helpful, but I am sure the minister can resolve this question.

#### MATHER-WALLS HOUSE

**Mr Miclash:** I have a question for the Minister of Culture and Communications. Would the minister bring us up to date on the status of the future use of the Mather-Walls House located in Keewatin and owned by the Ontario Heritage Foundation, an agency of her ministry?

**Hon Ms Oddie Munro:** I am aware of the member's interest in preservation of architecturally significant homes and locations in the north. He certainly has been a very interested person in this whole debate.

The building is owned by the Ontario Heritage Foundation: We purchased it in 1975. Subsequent to that, I believe a lot of capital dollars went into the restoration of the property, which was completed in 1984. The heritage foundation then commissioned a consultant's report to take a look at the future use of the property. I visited the property and I think it certainly merits use either as a museum or some kind of use as a historical home.

The consultant's report was made public, and then the Ontario Heritage Foundation asked for letters of interest from the public. Several were received. They then sent out an information package to see if anyone had a complete proposal. Only one group responded, the Lake of the Woods Historical Society. They are now looking at a suggested use as a historical museum.

**Mr Miclash:** I would like to ask the minister if the foundation will be holding a public hearing into the matters surrounding the house?

1440

**Hon Ms Oddie Munro:** The amount of effort that went into asking the community for its input suggested that a lot of people were interested. The future-use proposals were sent out. Only one group, ie, the Lake of the Woods Historical Society, responded. The heritage foundation will be working closely with the society, which I understand represents the views of many people in the community, although I would certainly encourage people who would support the proposal of a museum to include their recommendations either to the ministry, to the member or to the historical society.

I should tell the member that the Ontario Heritage Foundation will be reviewing the proposal, however, in the fall and will be



expected to make a decision in concert with the community as soon as possible.

### FISHING LICENCE REVENUES

**Mr Wildman:** I have a question to the Minister of Natural Resources regarding the assessment by the Ontario Federation of Anglers and Hunters Inc of the minister's administration of the new fishing licence revenue.

Will the minister confirm that although his ministry spent approximately 85 per cent of the \$8.2-million revenue from the fishing licences on fishery programs, not all of it was spent on new or improved programs; and if he can confirm that, does he accept the view of the federation that, in its words, "Kerrio and the current government reject the idea that all the revenues from the resident sports fishing licence should go to improve the sports fishery"?

**Hon Mr Kerrio:** I gave an undertaking when we put in place what I describe as a user fee; I did not take it on myself to decide how the moneys should be spent. I put in place a fish advisory group, the Ontario Fisheries Advisory Council, which I thought represented all parts of this province, under the able chairmanship of Dr Crossman. I am very pleased they were able to accept that responsibility, and so far I think it has worked rather well.

I suppose if I were sitting over there I would be as critical as the member is, because he is very upset that it is working as well as it is. The fact of the matter is that I could quote some comments here, where if the member had been paying attention to the whole situation he would not have been thrown out of the House because he did not know what the program was all about.

**Mr Wildman:** The minister always likes to accuse people of not knowing what they are talking about, when in fact it is he who is unaware.

Does the minister not accept the fact that the council to which he refers, under the leadership of Dr Crossman, stated in its report that it was told by his ministry staff that some of the projects that were funded by the use of the licence funds were projects that were previously already funded by the ministry and which would have been dropped if the money from the licence revenues had not been available?

If that is the case, is the ministry not subsidizing its own program with the use of these moneys rather than starting new programs to improve the fishery in this province?

**Hon Mr Kerrio:** That is as convoluted a comment as I have ever heard here. First the

member says that if it had been dropped, it would have existed anyway. What my people were telling the member was that if we were not going to fund that, money from the fishery licence would fund it. That is pretty simple arithmetic, I would think.

**Hon Mr Mancini:** NDP economics.

**Hon Mr Kerrio:** It really is NDP economics, as my friend has said. I would suggest that when we have a ministry that put some \$30 million into fisheries and, because of the acceptance of a fishing licence, a user fee as I describe it, we increased the potential by 25 per cent, I think that is a very meaningful way to provide the kind of resource we do for the people of Ontario.

I think we got there just in time, in fact, because it had been badly neglected on many fronts by the former government. I am very pleased to say that everything that is being done has been money wisely spent from our fishing licence revenue, and that most good-thinking people out there and most sportsmen accept the fact that if we are going to have these opportunities well into the future, it is worth the fee when one considers the kind of money that is spent on fishing equipment and everything else.

### NEONATAL CARE

**Mr Jackson:** I have a question to the Minister of Health, again on the neonatal intensive care bed shortages and access problems in this province.

Yesterday, I asked the minister about the ongoing problems at Chedoke McMaster Hospitals and I asked her if she was aware, if her ministry staff had specifically advised her of the 23 June memo to all 18 area hospitals in west central region, that it had told all those hospitals that the Chedoke McMaster unit was now closed more than half the time during any given month and that they should seek alternative care outside of the region and therefore would have to go to Toronto, London and Kingston.

The minister was unwilling to answer the question yesterday. Would she simply confirm that her ministry did advise her of the existence of this letter and that McMaster had been forced to take such drastic action?

**Hon Mrs Caplan:** I want to say to the member that the ministry has been assured by Chedoke McMaster Hospitals that the ministry's priority of maternal and newborn health has been acknowledged and that service levels at Chedoke McMaster Hospitals in those areas are being maintained. I want him to know and fully understand, because I know he has difficulty



understanding that the hospitals are run by independent boards of trustees who have responsibility for budget allocations.

**Mr Jackson:** It was a simple question, just beyond the minister.

**The Speaker:** Order. Once again, the member is not interested. I mentioned that once on a previous occasion, and I am sorry I have to do it again.

## PETITIONS

### NATUROPATHY

**Mr Kanter:** I have received a petition signed by 720 citizens of Ontario, collected by Flying Monkey Natural Foods situated in my riding, supporting the continued regulation of naturopathy in Ontario. Mr Speaker, I have signed the petition and request that you direct these petitions to the appropriate minister for response.

### ACADEMIC CURRICULUM

**Mr D. W. Smith:** I have a petition:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"The Ministry of Education has made evolutionism a compulsory core unit in senior OAC (previously grade 13) history and science. Since evolutionism and creationism are completed acts in the past, neither can be proven nor disproven. In fairness to all parents and students, equal time should be given in presenting the underlying assumptions of each. Through the two-model approach, the skills of critical thinking such as recognition of bias, awareness of society's influence on one's bias and the awareness of assumptions can allow students to examine their own belief system and better appreciate an opposing view."

There are 10 names attached to this petition and I affix my own.

### HIGHWAY CONSTRUCTION

**Mr Wildman:** I have a petition signed by 214 residents of the Ophir, Bruce Mines and Sault Ste Marie areas.

"To the Honourable the Lieutenant Governor of Ontario and the Legislative Assembly of Ontario, and in particular the Minister of Transportation:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Whereas sections of highways 638 and 561 have deteriorated to the point where they are extremely rough; and

"Whereas damage to vehicles may result;

"We petition the Minister of Transportation to move ahead the capital reconstruction programs to upgrade these two highways."

I support the petition and would add that there already have been two accidents on these two highways due to their poor condition.

**The Speaker:** It is not necessary to make all the editorial comment.

## TEACHERS' SUPERANNUATION

**Mr Cureatz:** As I confirmed to you, Mr Speaker, I would never make editorial comments, but I do have a petition:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Whereas the government of Ontario in its discussions with the Ontario Teachers' Federation on amendments to the Teachers' Superannuation Act has refused to allow an equal partnership between teachers and government in management of the pension fund, establishment of an acceptable contribution increase, benefit adjustments, equitable treatment of future surpluses and a satisfactory dispute resolution process,

"We, the undersigned, petition the Legislative Assembly to insist that the Treasurer of Ontario negotiate with the Ontario Teachers' Federation towards an equitable settlement."

It is signed by 12 of my constituents in the riding of Durham East and I have affixed my signature thereto.

### NATUROPATHY

**Mr Beer:** I have two petitions on the same subject and the message reads:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Whereas it is my constitutional right to have available and to choose the health care system of my preference;

"And whereas naturopathy has had self-governing status in Ontario for more than 42 years;

"We petition the Ontario Legislature to call on the government to introduce legislation that would guarantee naturopaths the right to practise their art and science to the fullest without prejudice or harassment."

There are two petitions, one with 60 signatures and one with 215, which I now present to the assembly.

**Mr Epp:** I have a petition here, similar to the one just presented, signed by 118 people who are

,all patients of Dr Bender in the great city of Waterloo.

1450

### TEACHERS' SUPERANNUATION

**Mr D. W. Smith:** I have petitions here signed by 41 people.

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, petition the Legislative Assembly to insist that the Treasurer of Ontario enter into negotiations with the Ontario Teachers' Federation which will lead to a settlement equitable to teachers."

I have affixed my name to the bottom.

### BUS SERVICE

**Mr Runciman:** I have a petition addressed to His Honour the Lieutenant Governor and the Legislative Assembly of Ontario.

"Whereas Howard Bus Lines is discontinuing their shuttle service between Gananoque and Kingston; and

"Whereas this service is a vital link between the two communities and allows the freedom of choice for many citizens in regard to living and working conditions,

"We, the undersigned, beg leave to petition the Parliament of Ontario to support the retention of the shuttle service between the communities of Kingston and Gananoque."

This petition is signed by 698 residents of Gananoque and area.

### MOTIONS

#### PRIVATE MEMBERS' PUBLIC BUSINESS

Mr Conway moved that, notwithstanding standing order 71(h), the requirement for notice for private members' public business be waived with respect to ballot items 17 and 18.

Motion agreed to.

**Hon Mr Conway:** The next one is the interesting one.

#### REFERRAL OF BILL 18

Mr Conway moved that the order of the House for third reading of Bill 18, An Act to amend the Ontario Municipal Improvement Corporation Act, be discharged and the bill be referred back to the standing committee on finance and economic affairs.

Motion agreed to.

#### CONSIDERATION OF BILL Pr32

Mr Conway moved that standing order 79 respecting notice of committee hearings be

suspended for the consideration of Bill Pr32, An Act respecting the City of Toronto, in the standing committee on regulations and private bills on Wednesday 19 July 1989.

Motion agreed to.

### INTRODUCTION OF BILLS

#### LAND TRANSFER TAX AMENDMENT ACT, 1989

#### LOI DE 1989 MODIFIANT LA LOI SUR LES DROITS DE CESSION IMMOBILIÈRE

Mr Grandmaître moved first reading of Bill 48, An Act to amend the Land Transfer Tax Act.

M. Grandmaître propose la première lecture du projet de loi 48, Loi portant modification de la Loi sur les droits de cession immobilière.

Motion agreed to.

**Hon Mr Grandmaître:** This bill, An Act to amend the Land Transfer Tax Act, is part of the budget policy of the government announced by the Treasurer (Mr R. F. Nixon) in his budget address to this House on 17 May of this year. The main purpose of this bill is to extend the application of the Land Transfer Tax Act to certain dispositions of beneficial interests in land where the person receiving the beneficial interest has not registered a conveyance evidencing the disposition and has not paid tax.

We have long relied on the comprehensive application of the Land Transfer Tax Act to ensure that the vast majority of transfers of land in the province are subject to land transfer tax. In recent years, the increasing use of trust transfer schemes to attempt to avoid the payment of tax has started to erode the broad base of the land transfer tax.

Depuis longtemps, de nombreuses applications, auxquelles sont assujettis les droits de cession immobilière, veillaient sur la grande majorité des cessions immobilières en Ontario; soit, elles étaient soumises aux droits de cession immobilière. Au cours des dernières années, l'utilisation accrue de plans de cession fiduciaire, dont le but est de contourner le paiement de ces droits, a commencé à éroder la vaste base de droits de cession immobilière.

The effective date of these changes will be today, 18 July 1989.

#### CITY OF TORONTO ACT, 1989

Mr Kanter moved first reading of Bill Pr32, An Act respecting the City of Toronto.

Motion agreed to.



**ORDERS OF THE DAY****TIME ALLOCATION**

Mr Conway moved resolution 6:

That, in the opinion of this House, when the order of the day is called for the consideration of Bill 162, An Act to amend the Workers' Compensation Act, by the committee of the whole House there shall be two sessional days allocated to the consideration of this bill. On the first of these sessional days, all amendments proposed to be moved to Bill 162 shall be laid on the table before the normal adjournment hour of 6 pm. On the second of these sessional days, at 5:45 pm, the Chairman of the committee of the whole House shall put all questions necessary to dispose of every section of the bill and any amendments thereto not yet passed, including those proposed amendments not yet moved which shall be deemed to be moved, as well as the title, and shall report the bill forthwith to the House, and that the question for the adoption of the report of the committee of the whole House shall be put forthwith and decided without amendment or debate.

Further, that there shall be one sessional day allocated to the consideration of Bill 162 at third reading and that at 5:45 pm on that sessional day the Speaker shall interrupt the proceedings and put all questions necessary to dispose of the motion for third reading.

And finally, that in the case of any division requested during the time that this bill is being considered, the bells shall be limited to 15 minutes.

**Hon Mr Conway:** I would like to make an opening comment about the motion standing in my name and about which there has already been some discussion in this House. I was pleased to hear you, Mr Speaker, read the verdict on the orderliness of this motion. I paid particular attention to the ruling that was addressed to the points of order raised, most especially by my friend the member for Windsor-Riverside (Mr D. S. Cooke), who the other day put the argument that, from his point of view, the motion was out of order and asked that it be examined on that account.

We had a rather lively discussion, I guess it was last Thursday, about this particular matter, Mr Speaker. You ruled yesterday that in fact the motion was in order. I do not want to rethrust a lot of old straw. I just have to make the point again about what the government wants to do in this respect, and I have to believe that my friends in the official opposition are not surprised by

this, because we have, over the course of almost 13 months, been proceeding with the debate and consideration of this very important reform to a very important part of our economic and social policy in Ontario.

I listened, for example, the other night, as I know many members did, to the remarks of the Leader of the Opposition (Mr B. Rae) as he took us through a socialist perspective of the workers' compensation evolution.

Interjections.

**Hon Mr Conway:** I see my friends in the New Democratic Party shaking their heads. I do know that it is bold of some to call the leader of the New Democratic Party in Ontario a socialist, because I remember a time, not that many years ago, when the Leader of the Opposition, the leader of the Ontario New Democratic Party, was not prepared to admit to his socialism.

**Mr Fleet:** The "s" word.

**Hon Mr Conway:** The "s" word, as my friend the member for High Park-Swansea observes. I have always felt that the member for York South (Mr B. Rae) was a bona fide socialist, was a committed socialist, was an upfront socialist, and I thought that the other night, to his great credit, he with eloquence and passion gave a very moving account from a socialist perspective of the evolution of the workers' compensation legislation in this province from the early days of this century through to the present time.

**1500**

Of course others, the Progressive Conservatives, who sponsored the first compensation legislation under the aegis of the late, great Sir James P. Whitney, a proud son of eastern Ontario, would have a rather different view from the socialist view advanced by the Leader of the Opposition the other night. Certainly, my colleague the Minister of Labour (Mr Sorbara) has, with eloquence and effect over the last number of months, made a very strong case for the favourable consideration of this Liberal initiative that is currently before us; that is, Bill 162.

We understand from the government's perspective why the New Democratic Party feels it must oppose with all its heart and all its soul this particular initiative. I have to say that as House leader, in considering what I would do to advance Bill 162 after almost a year of debate, when I hear members of the official opposition say outside this chamber, and in it, that they are going to move heaven and earth to stop and to defeat Bill 162, I have to take note of that. I know something of the power of NDP obstruction. If



two years in this job has taught me anything, it has taught me something about how the NDP in opposition, and on occasion with its friends to the right in the Conservative Party, can move from opposition to obstruction.

I would have to say that it is certainly never a government House leader's first or second or third choice or preference to contemplate or to advance time allocation. I recognize what my friends were saying in the debate on the efficacy of government motion 6, that aspect of Parliament which recognizes time allocation, and I forget Erskine May's phrase, but something of a last resort. I understand that.

**Mr McCague:** You always favoured it.

**Hon Mr Conway:** No, I do not believe I have. My learned colleague and senior friend from Alliston, the member for Simcoe West, would know that there were times in another administration when I was of a different view with respect to time allocation.

**Mr McCague:** That is right.

**Mr Wiseman:** That is right, and if you were over here now, on this side—

**Hon Mr Conway:** The squire from Perth, the member for Lanark-Renfrew would probably agree with my friend from Alliston.

I always face this when we deal with matters of this kind, of procedure, because there are Tories who somehow feel that my past as an active member of the opposition somehow would justify my support of any obstruction. I do not believe that a careful, balanced and dispassionate analysis of my role in opposition would support that contention.

**Mr Wiseman:** When you were over here, it was a different story. What changed your mind?

**Hon Mr Conway:** It is true, I say to my friends from Lanark-Renfrew and Simcoe West, that on occasion I took very strong exception to some of what was being done by, I remember, our dear friend the former doctor of medicine, the minister of all education.

**Hon Mr Elston:** Are there still Tories?

**Hon Mr Conway:** I can remember, as the Minister of Financial Institutions (Mr Elston) can remember, debates when the then minister of all education charged us to a rather spirited reaction to some of the government's proposals.

**Mr Wiseman:** On many occasions.

**Hon Mr Conway:** I have to believe that my friends from Lanark-Renfrew and Simcoe West, as they sat around the cabinet table with that learned lady, would on occasion within the

privacy of that council chamber also have known what it was like to have been on the other side of an argument with the former minister of all education, the very learned lady, the former member for York Mills, for whom we all had, then and now, a very high level of affection and respect.

But I think it is fair to say that if one takes a look at, for example, what I did in opposition—and I vigorously debated, I strongly opposed—I do not remember too many occasions when I resorted to the kind of obstructionism we have been seeing in this chamber over the last two years.

**Mr Laughren:** Ah.

**Hon Mr Conway:** My friend the member for Nickel Belt expresses some incredulity. I think he would do well, scholar that he is, to look carefully at some of what happened here in the early 1980s. I do not remember a time in the early 1980s, when I think we were, in opposition, rather feisty, anything like the combinations we have been seeing here, where days and weeks have been lost by the—

**Mr Morin-Strom:** You're losing it in your old age, Sean. Your memory is going.

**Hon Mr Conway:** I am prepared to admit that certain parts of my memory may not be as strong as I would like.

**Mr Laughren:** Or your body.

**Hon Mr Conway:** My friend the member for Nickel Belt says other parts of my body may be equally weak. I admit to a certain measure of imperfection. I do not think there is any question about that.

What we have had over the last year, I think, is a very vigorous and active debate about this public policy. The government has proposed; the opposition, most especially the New Democratic Party, has opposed with all its vigour and with all its passion. I think it is fair to say it has been a difference almost on first principles. That is what Parliament is in some respects all about, and I do not expect that any amount of debate will ever convince my friends in the official opposition that this kind of reform, which we believe is a reasonable and necessary and an intelligent reform, will ever be acceptable.

Given that, we must then look at somehow deciding the question. It has been, I repeat, 13 months. The bill was read a first time in this chamber on 20 June 1988. Second reading was moved by my colleague and friend the Minister of Labour on 19 October 1988. Twenty-two members from all sides spoke during seven days



of legislative discussion on that second reading debate, which carried on 23 November 1988. We had a very good debate over the course of the summer and fall of 1988 on the second reading of this particular bill.

It was then ordered for committee, and I must say it was ordered to a consideration in the standing committee on resources development, so ably chaired by our illustrious and senior colleague the member for Nickel Belt, who I think deserves no little bit of credit for the very evenhanded and fairminded way in which he carried out his responsibilities as chairman of that committee.

I want to take this opportunity to congratulate my colleagues as well, not just the minister but the parliamentary assistant, the member for Halton Centre (Mrs Sullivan), people like the member for St Catharines-Brock (Mr Dietsch), members like my senior colleague the member for Elgin (Miss Roberts), the member for Algoma-Manitoulin (Mr Brown) who sits sage-like in his seat this afternoon, the member for Durham West (Mrs Stoner)—

**Mr Polsinelli:** What about me?

**Hon Mr Conway:** —perhaps the member for Yorkview. I do not know that he was involved to any great extent, but I will say that from our point of view—

**Mr Laughren:** Norfolk.

**Hon Mr Conway:** Was the member for Norfolk (Mr Miller) there? All of the good people who worked on that committee, including the chairman, and I say this most respectfully, deserve a great deal of praise and commendation for the very good way in which they discharged a very difficult responsibility.

There was a desire on all sides to have extensive public hearings. Those public hearings commenced in the late winter of this year. Some 22 days of public hearings in 12 different towns and cities across the province, including eight public hearing days here in the city of Toronto, were had. Some 346 separate groups and individuals contributed something like 400 different submissions at that important stage of this particular consideration of Bill 162. There were approximately 600 requests, I think, and 233 of those who requested actually appeared.

I think that was a very significant and positive part of this process. To be sure, it was not perfect. I know there are some in the official opposition who are musing to themselves that not everyone who wanted to make a submission was in fact able to be heard. That is true in this case, as it is regrettably true in many other cases.

1510

At the end of the public hearing process, I think it is fair to say, certainly on behalf of colleagues like my friend the member for St Catharines-Brock and others on this side, there was a real desire to then build on the constructive criticism that had been advanced throughout the course of those 22 days of public hearings.

Speaking for the government, a number of amendments were then generated to reflect that constructive criticism and to make this bill an even better bill. So the consideration of these amendments and the clause-by-clause commenced on 25 May 1989. A number of days, I believe something in the order of 10 sitting days, were dedicated to the clause-by-clause consideration of Bill 162 in the standing committee on resources development, through late May and all the way through the month of June.

What did we find? To be fair, I say to my friend from Alliston, we found in the committee a New Democratic Party that was prepared to be as good as its rhetoric inasmuch as it was not apparently going to allow this bill to proceed at anything more than a snail's pace. My friend the learned chairman nods approvingly.

I think it is fair to say that for anyone who monitored that committee, the very committed member for Sudbury East (Miss Martel) led a protracted procedural wrangle that tied the committee up in knots for days. I do not denigrate the member for Sudbury East because, again, I think it is important to say that the New Democratic Party was doing in the committee what it promised to do from the beginning: "Withdraw or die. We will move heaven and earth to defeat this bill."

**Mr Laughren:** Take no prisoners.

**Hon Mr Conway:** "Take no prisoners," the chairman of the committee says. So what is one to do? The member for St Catharines-Brock would say to me in a very quiet tone: "House leader, will you not understand how stressful it is becoming day after painful day as we try to move through these clauses to improve the bill by considering, and hopefully acting on, a number of the amendments? We can't do anything because there is just an obstruction, the like of which you could not imagine."

Knowing the New Democratic Party as I know it, I could believe just how awesome it might be. I thought never, never would I enter the chamber of the resources committee hearings because I thought that would certainly inflame the passions. I think on one occasion I inquired of the chief government whip whether he might look in.



I think he did, and he reported back that his presence was perhaps not greatly appreciated. But of course it was obvious what was going on.

I do not think this motion to allocate time for the consideration of the bill in the committee of the whole and through the third reading stage is any surprise. I do not think the honourable members, in the second party particularly, expected anything less. In fact, I guess they would have been quite surprised, if not shocked, if the government had not moved time allocation in this respect.

While it is important, I say to my friend the member for Hamilton Mountain (Mr Charlton), that while an opposition has every right to have its say, to oppose with all vigour and all vitality any government initiative—and my friends in the official opposition are absolutely right that a minority must be heard; I accept that as a first principle of parliamentary democracy—after a reasonable time, and I believe that 13 months is a very reasonable amount of time, it is equally true to suggest and to argue that a government must have an opportunity to move forward and to have certain important questions decided—yes, decided with all of the dissent of an opposition, ably led by my friend the member for York South and more ably supported by our senior friend the member for Hamilton East (Mr Mackenzie).

It is absolutely their right to append their dissent at every turn; but I have to say that as we recognize the right of dissent and the right of the minority, as part of that consideration we must also acknowledge the right of duly elected governments to move forward with their legislation programs and to have questions in that regard decided after a reasonable length of time. That is really what government motion 6 is all about.

I know my friends are concerned about the fact that this time allocation motion is rather different in that it provides a means whereby amendments can be put in the committee of the whole and considered. That is written into this time allocation in a way that is perhaps unusual for members of the official opposition, and they know why. They know precisely why. What we saw, what my friend the member for St Catharines-Brock reported out of the committee, is precisely what we would see in the committee of the whole if our friends in the official opposition, the masters of obstruction in this regard, for all the reasons that they have advanced from one end of the province to the other—

**Mr Dietsch:** Filibuster kings.

**Hon Mr Conway:** Filibuster kings.

**Mr Mackenzie:** Come out and talk to the injured workers today.

**Hon Mr Conway:** I want to say to my friend the member for Hamilton East that we on this side have spoken to the injured workers. I know that he feels—

**Mr Charlton:** We just said—

**Hon Mr Conway:** —with his friend the member for Hamilton Mountain, they have a monopoly of interest in that respect. They are wrong in that, because all the members of this caucus, and I think it is fair to say all the members of the Tory caucus, are concerned that this be as good a bill as we can make it. There is no one in this House, not the member for Hamilton East, not his friend the member for Hamilton Mountain, not their colleague the member for Sault Ste Marie (Mr Morin-Strom), and certainly—I do not want to drag the learned chairman of the committee into this—not even our senior friend the member for Nickel Belt (Mr Laughren), none of us has a monopoly of concern for injured workers. I think it is a broadly based concern that this be as good a bill as we can make it. I want to say that we have invested a lot of time and energy trying to understand and to address the concerns of those who would be affected by this reform of our workers' compensation legislation.

But I want to turn to the earlier point. If, for example, we simply had a time allocation motion that set aside a certain number of days for the consideration of this bill in the committee of the whole, is there anyone who imagines, I say to my long-time friend the member for Norfolk, is there anybody who could contemplate anything other than what we saw in the standing committee on resources development? The member for Sudbury East or her delegate would come in here in the committee of the whole and would obstruct the bill at that stage to a point where I would guess that we could use up all of the allocated time and get to none of the amendments.

On behalf of my scores of colleagues on government side, I want to say that we take very seriously the part of the process that is public hearings. When we invite people to come to a committee of the Legislature to express their views, we are very keen to hear those views. Since we do not view ourselves as the architects of all perfection, since we understand that all bills, all legislation, can be improved and it certainly will be improved if the public has an opportunity to have its say, we are very keen to



provide in this time allocation motion an opportunity for the consideration of the amendments, because we believe that is keeping faith with the scores of people who came to the resources committee in the communities of Toronto, Timmins, Sudbury, Ottawa, Windsor, London, Kitchener-Waterloo, Dryden, Thunder Bay, Fort Frances, Oshawa and Hamilton.

We feel over here, as I believe our friends do across the way, that we have an obligation to those people who came in good faith to express their views.

**1520**

**Mr Charlton:** That is why we are here.

**Hon Mr Conway:** To the extent the amendments reflect much of that constructive criticism, we have, I say to my friend the member for Hamilton Mountain, we believe, a real commitment to those people to consider those amendments.

That is why this time allocation motion is written the way it is. If I thought my friends in the New Democratic Party would not continue their obstruction, would not deny members of the committee of the whole House an opportunity to have a normal debate in this regard, I would be the first to admit that this kind of provision would certainly not be required.

But I ask my friends, for example, the member for St Catharines-Brock and the member for Algoma-Manitoulin, what evidence is there, over the course of the past year, that our friends in the second party, the New Democratic Party, are going to allow that kind of normal process to occur in the committee of the whole?

**Mr Dietsch:** Absolutely none.

**Hon Mr Conway:** Absolutely none, and I quite categorically agree.

So we have, I think, all things considered, a reasonable measure, an allocation of three additional days, two of which will be for the committee of the whole, where the amendments must be put before the Clerk of the committee by not later than 5:45 pm of the first sessional day, and they must all be dealt with by the end of the second sessional day.

I do not think that is unrealistic in the circumstances. I do hope that members on all sides will discipline themselves in the light of this particular allocation of time. Of course, a third day is provided for third-reading debate.

All things considered—13 months of debate since the bill was read the first time; weeks of public hearings; seven days of second reading debate; over a month, late May through all of

June, in the resources committee for clause-by-clause that admittedly got nowhere—I do not think the end of all that, in the light of all the public interest, the hundreds of public submissions, an allocation of time such as is contained in government motion 6 is unreasonable.

In fact, I think it is quite to the contrary. I cannot imagine that, if not in the publicity of this place, surely in the privacy of their souls, my friends in the opposition do not understand that it is not only a reasonable allocation of time but it is altogether necessary and ought to be supported.

**Mr Charlton:** I perhaps should start out by saying I have never heard such a pompous, arrogant, silly package of remarks in my entire 12 years here.

Perhaps I should also start out by saying that those of us in this caucus who have participated in the obstruction to which the government House leader refers are participating in that obstruction for very specific and, I think, very sound reasons. We are not here on this issue in the middle of July for a good time. We may be here for a long time, but we are not here for a good time.

One of the reasons we are still here and one of the reasons the obstruction was going on is the very reason that the House leader's remarks were so silly just a few moments ago. His party and his colleagues on the resources development committee, who he says have an obligation to those people who made presentations before the resources development committee on Bill 162, have totally ignored the vast predominance of those presentations. If the government has an obligation to those people, why is this bill still before this Legislature? The vast predominance of those presentations called for Bill 162's withdrawal, the vast predominance.

We could read through the list that we read through for the House last Tuesday night if the government would like to take that long yet again, but the vast predominance of the presentations that were heard by the House leader, by the member for St Catharines-Brock and others, were presentations which demanded the withdrawal of this bill.

Now the government House leader knows full well that this party has opposed any form of closure on any occasion when it has been brought before the House. But it is also fair to say that the government House leader's memory is extremely, extremely short. The first occasion in which I was involved in this Legislature on a time allocation closure motion, upon which this one was based because it was the first occasion I



believe in the history of this Parliament, was in 1982 on Bill 179, the former government's bill to control the pay in the public sector of the province of Ontario.

That bill was in a committee of this House and they never even got to start clause by clause, let alone anything else. They never got past any of the procedural arguments. But the government House leader all of a sudden cannot remember that divisiveness which he was involved in personally over a particularly important and controversial issue. But more importantly on the other side of the question, I would like to deal with a few reasons why closure on this bill or on any other bill is a bad game and a bad act that does not serve well the people of the province of Ontario.

The first issue is the one I have already started with, the fact that the vast majority of the public presentations in the case of Bill 162 have been ignored. But there is also the comment in the government's position here today, and it was set out yet again by the government House leader here today the same as it was last week before we had the all-night debate on Bill 162 last Tuesday night and Wednesday morning, that somehow because this bill has been before this Legislature for 13 months now, that somehow 13 months makes a bill good, right and ready to pass.

The government House leader, and this is another reason why I think his remarks were so absolutely silly today, stood here in this House just a few moments ago and said that there are concerns about workers' compensation and injured workers in all three parties and that we need to listen if we want to end up with a good piece of legislation. Yet this Liberal government stands here today saying: "Our solution is the right one, the other parties' thoughts be damned. Forget whatever it is the other parties think should be done to the legislation because our answer is the right answer and the only answer." That is what this government is saying here today.

I would just like to remind the government House leader that although there is no question that there were tactics of obstruction going on in the resources development committee because of that very attitude that was being displayed by the government members, by the Minister of Labour under questioning here in the House, by the Premier when it was raised with him, that during the course of the clause by clause in the committee there were two clauses that were dealt with—clause 1 and clause 2 of Bill 162. There were two amendments to Bill 162 which were

passed in the resources development committee. One of those amendments was a government amendment. The other was an amendment moved by my colleague the member for Sudbury East, which it took us all afternoon to convince the Minister of Labour to accept, but he finally accepted that amendment. He finally accepted an opposition amendment, because there was a major flaw in the wording of his legislation.

**Hon Mr Sorbara:** It took 20 minutes.

**1530**

**Mr Charlton:** It took 20 minutes to convince the minister, he says, but it took us all afternoon to get through to him to make him listen in the first place. The minister is correct. It took only 20 minutes to convince him once he opened his eyes and his ears, but it took the first half of the afternoon to convince him and his colleagues to even listen to what we were putting forward.

That is the way every single clause in Bill 162 should be dealt with if the government is going to proceed with this legislation, because in its present form it is an extremely bad piece of legislation. This party, today or any other day, is not going to sit down and quietly shut up and allow this Legislature to pass an extremely bad piece of legislation without comment.

I am going to refer to a couple of items I have referred to in this House before, which I think relate very particularly and very importantly in this debate this afternoon around closure and this whole proposition on the part of the government that somehow 13 months in the legislative process makes for a good piece of legislation.

The first time I ran was in 1975. I did not get elected in that election; I was elected 18 months later, in 1977. But just a few months prior to the election in 1975, the then Minister of Labour, Dr Stephenson, was involved in public hearings across Ontario on occupational health and safety.

Those public hearings occurred prior to even the drafting of legislation. Those were public hearings when the then Minister of Labour was out trying to determine both a direction for improving occupational health and safety in this province and for coming up with what they called in those days an omnibus occupational health and safety bill, to include the old mining safety act, the Industrial Safety Act and the Construction Safety Act all into one piece of legislation.

I raise this point for a very specific reason. That was in 1975. It was in the fall of 1979 before this Legislature finally passed what we now call the Occupational Health and Safety Act, Bill 70. This Legislature spent four and half years creating as good and as balanced a piece of



legislation as we were capable of creating at that time.

There have been some minor improvements in the Occupational Health and Safety Act since, and we currently have another bill, Bill 208, before this Legislature to make another set of improvements in an albeit imperfect piece of legislation, but legislation in which everybody, whether they were on the company side, the union side or the unorganized workers' side, felt they got something that was an improvement over the old three separate pieces of legislation I named. We spent four and a half years on that process.

The remarks of the government House leader this afternoon twigged me to something I had forgotten about the last time I talked about this issue. The government House leader has tried to make a big point here about obstructionism in the early 1980s. This was in the late 1970s and was in fact during a minority government.

In the committee process on the Occupational Health and Safety Act—my colleague the member for Hamilton East, who was part of that committee at the time, will recall this—the combined opposition in the committee passed amendments to Bill 70 which were not acceptable to the government; which then forced the government to come back into this House, take that bill back into committee of the whole House to move amendments to get rid of amendments the opposition parties had put in during the committee stage. They did that and had to do that, based on the threat of withdrawing the bill and not proceeding to third reading if they did not get their way.

The government House leader's recollection and memory of the kind of obstruction he calls unprecedented here in the last year is just a lot of hogwash. That member and his colleagues, many of whom are now in the cabinet, participated in that kind of obstruction and set the stage for the very things that are going on today.

But the Occupational Health and Safety Act is only one example of far more time spent on creating as good legislation as you can, where all sides, all parties to the matter, all parties who are concerned about the particular issue in question have some access, some input, and somehow their concerns are reflected in the legislation at hand.

Another example of the same thing is the two and a half years we spent in this legislative process on the Family Law Reform Act. I might remind you, Mr Speaker, that the two and a half years we spent in the legislative process on that

bill in 1977 and 1978 followed probably 10 or 15 years of dialogue, consultation, complaint and controversy in Ontario society that led up to the government finally introducing legislation, which went through considerable debate and amendment for two and a half years before its final passage.

And even then, after two and a half years, we still did not have a perfect piece of legislation. We had to come back here again in 1982 and again in 1985; and some time during the course of the next five years we will probably have to go back at the Family Law Reform Act yet again to deal with another set of amendments, hopefully to improve that legislation further, to deal with the loopholes or roadblocks that get identified over time.

Both of those legislative processes I have described here today are primary examples of why 13 months do not mean anything and certainly do not reflect a piece of legislation that is necessarily right or ready for passage. Our contention is that in the case of Bill 162, it is not only not right but it is not yet ready for passage. If it were ready for passage, we would have sat down some long time ago.

The controversy which surrounds Bill 162 is a reflection of its inadequacy. Bill 162 is a bill that has missed the mark totally, because it is a bill which has satisfied one side of a controversial debate in Ontario and ignored the other side in total. Any piece of legislation that takes that road is a piece of legislation which ultimately in a democratic society is bad legislation. It might be just as bad if it totally favoured the side that is being ignored in this case and totally ignored the employers' ability to pay the assessments into the workers' compensation fund.

#### 1540

But those assessments and employers' complaints about those assessments are the very reason this legislation is here. This legislation is not before this House to deal with reform of the Workers' Compensation Act for the purpose of making workers' compensation in Ontario fairer and more workable. This legislation is before this Legislature to deal with the complaints of one side in this debate, the employers of Ontario and their complaint that assessments under the act are far too high.

This is a piece of legislation which is designed, in the short run, to take benefits away from some workers, to perhaps reallocate some of those benefits to other workers and to therefore be revenue-neutral, as the minister has suggested.



But in the long run, Bill 162 is designed to reduce the cost of compensation in Ontario.

This Legislature has not come to terms with that reality. This Legislature has not come to terms with the specific flaws in the wording of Bill 162, many of which probably could have been dealt with if clause-by-clause had been allowed to proceed. That may still have left us with a bill at the end of the process that this party could not support in a total sense, but it would have been a much better bill than the Bill 162 this three-day closure motion attempts to deal with.

Because the small amendments, like the one the minister finally accepted after 20 minutes, after two hours of waking him up and getting him to listen, that small amendment in section 1 of the bill and 50 other small amendments like that are all important in the creation of the laws in this province. They are not insignificant. They get rid of vagaries in legislation. That is precisely what our amendment did: It made a section clear and definable.

In addition to the absence of the rest of that process, as we have already, the vast majority of those who made public presentations on Bill 162, those the government House leader says this Legislature and this government have an obligation to, have been ignored in this debate around Bill 162 and have certainly been ignored in this motion which the government House leader has brought before us today.

The vast majority of those who made public presentations demanded the withdrawal of this piece of legislation, not its amendment. The vast majority of positions taken before the resources development committee in its hearing process said that Bill 162 cannot be fixed, cannot be amended and should be scrapped.

For all of those reasons, and because those of us in this party believe in a legislative process that honestly deals with those things that have been a part of the process around a piece of legislation, including the views of all those who made presentation, and because we firmly believe that the detail of legislation which affects average individuals right across this province, individuals who are certainly, in this particular case, not going to be in a situation to help or protect themselves because they happen to be injured workers who for the first time in their life or perhaps even the second time in their life find themselves in extraordinary circumstances, unable to do what they have always known and done—The precision and fairness of laws this Legislature creates with respect to people in that kind of circumstance is the most important work

we do here. We are not prepared to see it done in the kind of fashion that is set out in this motion.

**Mr Harris:** I have a few comments I would like to bring to the attention of the House, particularly the reason why this motion apparently has been brought in by the government: the context of Bill 162. I think it is important that when time allocation is used we understand the context it is used in and the purpose for using it.

I also want to comment on the disturbing precedent contained in this motion, not only the repeat of the precedents this government has used in the past but in my view something that goes much further in what I call the so-called deeming aspect of this particular time allocation motion, which I think will cause us no end of problems in the future.

I want to reflect on the significant shift of opinion of people like the Premier (Mr Peterson) and the government House leader. If time permits, I may even get to the member for St Catharines (Mr Bradley). I note that the Minister of Community and Social Services (Mr Sweeney) is here. Regretfully, the research did not provide me with any of his old quotes on closure and time allocation. Perhaps he was able to duck out of those in those days. It is more likely, though, that we had ample quotes from the Premier and the government House leader and we did not bother digging as far as we might have wanted to go. I will remember in the future, though, that Tuesday is House duty day for the Minister of Community and Social Services, and if a debate like this falls on that day, I will make sure they prepare for me something that is appropriate for Kitchener.

I was intrigued by some of the comments made by the government House leader today. He talked about the public presentations and said that somehow or other he was bringing in this closure for the benefit of all those who made public presentations and that it was important that the government proceed in this way on behalf of all those people. I think he cited a number of cities. I was listening carefully and I cannot reiterate all the cities he quoted, but he talked about public presentations from Thunder Bay; I think I heard Sudbury; there was a list of eight or 10.

What did catch my attention was that he did not mention North Bay. I listened for North Bay, Sturgeon Falls, Verner or Nipissing, because in spite of the fact that there were ample requests for the committee to come to North Bay, the Liberal majority on the committee refused to do so.

Second, having been denied that opportunity in the riding of Nipissing and instead being told



they should travel to Sudbury or some other centre, once they found out that the committee was going to ignore the great riding of Nipissing at the insistence of the Liberal members on the committee, the groups in North Bay then asked for standing before the committee and indicated they were prepared to go anywhere in the province, but they were shut out. There was not a single presentation before the committee from people representing groups in Nipissing riding or, indeed, from those who live in my riding. I noticed the House leader did not include Nipissing among those he mentioned had that opportunity.

**1550**

There is another reason, though, why I found it rather ironic that the government House leader said this was why it was important that closure be brought in at this particular time. That is, even in the cities he mentioned, there were so many who were shut out of being able to have standing before the committee. They were told: "Sorry, we're in a hurry here. We're not going to hear from you." Yet, for some reason, now the government House leader says it is important we bring in closure to somehow satisfy all the presentations that were made before the committee.

The third reason I was astounded to hear the government House leader make those kinds of comments is that the overwhelming majority of those who did come before the committee said, "We don't want this bill." This bill, as proposed, is supposed to be for the benefit of the workers, the working men and women of this province, those who are already injured or who may be injured in the future. Yet those very people came to the committee and said: "No, this is not what we want. This will not help us. This, in fact, is a step backwards."

I find it ironic today that the government House leader says it is important we bring in closure and proceed with this on behalf of all those who appeared before the committee when (1) the Liberal majority would not allow many in those communities to appear before the committee; (2) there were many in my community, and there were others in this province, who never got an opportunity to appear before the committee, and (3) those who did said, "We don't want this bill."

I refer back to comments that the government House leader has made in the past, which I think will give you a sense of when he felt time allocation should be used in 1983. It was to do with Bill 127, which was an education bill at the

time brought in by the last great Minister of Education—I had better be careful; after Bette Stephenson retired we might have had a few other Tories in there—surely the last long-standing Minister of Education who was in a position to make a significant contribution to Ontario. She had brought in Bill 127, which was to clarify some jurisdictional difficulties between the two tiers of school boards in Metropolitan Toronto.

That bill was one that the opposition parties at that time had indicated—I am sorry, I do not remember whether it was one or both of the opposition parties—was not one they were inclined to give the government and that they would filibuster unless time allocation was brought in. I also note in passing that since that was passed in 1983 the relationship between the two tiers of the school boards in Metropolitan Toronto appears to be working very well.

However, the government House leader said at that time, "I reiterate, we have been able to do the business of this Legislative Assembly for a long time, through wartime, through great depression"—the business of the chamber was able to proceed without time allocation. "Yet, this very same government House leader, after only one hour of second reading debate and after no time permitted in committee of the whole House"—notice, no time in committee of the whole House—"has not been able to work out some compromise not to have to bring in time allocation on Bill 114."

He said as well on that day, "I cannot believe we are seized in the winter of 1982-83 with some parliamentary crisis that forces us into a new avenue, down a slippery slope of time allocation, without which we have been able to function for the previous 115 years." That was the government House leader in 1983. At that time he could not believe we were seized with some parliamentary crisis.

I have said before—and I do not want to put words into the government House leader's mouth at any time, because he does that very well, along with other parts of his body—that he seems to be implying there that if we were seized with a parliamentary crisis, then he could understand the government of the day bringing in time allocation; if the legislation were addressing a crisis or if there were a parliamentary crisis, then time allocation might be acceptable to him. He implied it at that time and I suggest that in 1983 the government House leader—even though I assume that in opposition he may have opposed time allocation—seemed to indicate then that he



could understand the government's bringing in time allocation if there were a crisis.

So I assume now, in bringing in time allocation, that the Minister of Mines (Mr Conway) feels there is a crisis, that for the workers of Ontario, the injured workers and the working men and women of this province there is a crisis out there and that they are crying for this bill to solve that crisis. Yet, when we look at what the injured workers have said about this piece of legislation and at every body that represents workers—be they unions; the more practical and flexible approach of employees' associations; many, and I would suggest the majority, of enlightened employers in Ontario or members of the Legislature; myself, interested in seeing fairness for the working men and women of this province; members of my party—nobody, not one of them, is saying this legislation will improve the situation.

So the very people this legislation is supposed to serve, benefit and protect are saying, "We don't want it." Surely, given that and given the government House leader's own criterion in 1983 of where he might consider time allocation to be appropriate, we cannot use that argument, because people do not want this particular piece of legislation.

This morning I was debating—I do not want to name names—with a representative of the government and a representative of the New Democratic Party. We were chatting on CBC Windsor about Bill 162, and at that time the government position was put forward that this was a bill that had three tremendous benefits for workers. One was the dual award, implying somehow that the meat chart cash award was something new. Of course it is not something new; it is something that will be given lump sum.

**Hon Mr Sorbara:** No, it will not.

**Mr Harris:** Was the member on the CBC with me this morning?

**Mr Reycraft:** It sounds like he should have been.

**Mr Harris:** Fine. So what is this dual-award cash award?

**Mr Dietsch:** Ask Margaret.

**Mr Harris:** This is taking something that I, quite frankly, have difficulty with under any circumstances; I want to tell the members that. It is taking that pain-and-suffering award, that meat chart award which currently, under existing legislation, is spread over the lifetime of the compensable injury in part of the monthly pension and it is paying lump sum, so it was

argued that this is an exciting new thing in the bill that is of benefit to workers. That was one reason why it was important to have this bill.

**1600**

What do injured workers say about that? They say, "No, thank you; that's not what we want." I have heard a number of them express difficulties with the whole meat chart approach, but none the less, they feel that they are better compensated by a recognition throughout the lifetime of being compensated for that injury that the pain and suffering does not cease with the lump sum payment. In fact, the workers are saying that they feel this is taking money away, that those who in the long term will suffer income loss, will lose money from this.

That was put forward as one argument, and yet injured workers are saying, "No, we don't want that." The government says, "We're bringing forth a bill to help injured workers; we're going to close out the opposition parties and force it through," and yet all the injured workers, the working men and women and all the associations represented are saying, "We don't want that."

I have difficulty with a government that says, "This is an important thing." If the working men and women and the injured workers were saying, "Doggone it, this is important to us," I could understand the government saying, "Look, you're holding this up; there are people out here in the province, the groups that are going to be affected, who want this."

Ironically, the people who are paying for the workers' compensation plan, the employers, are not asking for this either. Nobody is asking for it.

The second thing that was mentioned this morning was access to rehabilitation. Nobody, employers or workers' groups, feels that this legislation is going to improve access to rehabilitation. If you want to do it in a legislative way, you can mandate it, but whether this bill passes or does not, there is nothing in the bill that is going to force an increased emphasis on rehabilitation. The workers are not comfortable with that; they are saying, "The bill does nothing to help us in that area; we don't want it."

The third aspect is the reinstatement. Of course, there are so many loopholes or exemptions in the reinstatement provision that indeed those representing workers and working men and women are saying: "No, it's pointless to proceed with this legislation; it doesn't help us. There are so many things that could be done to help us."

I do not want to extensively debate the legislation, but I want to give those comments to put it into the context of why it is inappropriate to



bring in closure when there is no interest group out there, nobody affected by this legislation, who is saying, "We want this bill." There is only the government members doing what they think is the honourable thing in supporting a misguided minister. Here is a minister who I believe has convinced his colleagues he actually knows what he is doing; otherwise they would not support him that way.

**Hon Mr Conway:** And that concludes your remarks.

**Mr Harris:** No. In fact, I plan to go on at some length. If the member continues to interject—I have had a chat with the table today—there is a six o'clock rule that if I decide to continue debating, it might be very interesting to see how it turns out today. I want to tell the government House leader that I had a chat with the table today. I think I have enough material here, as well.

As I said, with the quote from the government House leader as to when he might think time allocation is appropriate, given the three reasons I heard on the radio this morning, given what was heard in the hearings and given that a number of people were excluded from the hearings, there has not been one single shred of evidence that there is a crisis in the land, that the interest groups that would be affected by this legislation in fact want this legislation.

That in itself would be reason enough not to qualify for time allocation; in fact, it is the exact opposite. They are saying: "Whoa, enough indeed is enough. This bill is so bad that it should go back to the drawing board."

That is what the minister heard. That is what the government members heard. It is what my colleagues on the committee heard. It is what the New Democratic members on the committee heard. Yet, it seems only the NDP members and the Conservative Party members were listening. Obviously, the minister did not. The parliamentary assistant did not. The government members did not. Presumably, the government House leader was busy with other meetings, so he did not have to listen. In any event, he was not at all persuaded.

I wanted to raise another interesting comment. My colleague and friend the member for Windsor-Riverside unfortunately could not be here today. He was called back to Windsor—I understand his mother is in ill health—and will not be able to be here today. He made a comment on 23 January 1989 that I want to refer to. At that time, the member indicated: "There was one time in this place when we did support a time

allocation motion. I am not going to say there should never be time allocation in the House."

It is interesting that while the government has accused the members of both opposition parties, saying, "Well, of course, it's your job to oppose time allocation. I blindly followed that rule when I was in the opposition, so we expect that," here we have a pretty responsible position from the House leader for the New Democratic Party. He was saying: "There was a time when we supported a time allocation motion. I am not going to say there should never be time allocation in this House. There will be extraordinary circumstances, I think, and I agree with the government House leader on that. I will read later some comments where I agree wholeheartedly with the government House leader about time allocation."

In fact, he went on, and this will be of interest to those who follow these legislative debates, who I admit are fewer in number than those who follow the question period: "I think there should be an amendment to the rules"—this is back in January—"and we have been struggling with this government to get some changes in the rules that would benefit both the government and the opposition parties and make this place work better. To date, the government has rejected our proposals and we have gone no further than the interim rules that were brought in during minority government."

I mention that because we are dealing with this motion. It is a process motion to say: "To heck with the minority and to heck with the rules. We are going to pass this with our majority and this is the way things will proceed, regardless of the standing orders."

## 1610

Back in January—the rules being of interest, I think, to a number of people, because we are discussing those once again—the New Democratic Party House leader pointed out that his party and the Conservative Party had been pressing for rules changes around this place for a period of years. The government would not take it seriously and in fact sat on it. It was one of those things that they just could not seem to move along through their caucus, more likely through the Premier.

Indeed, I believe it was some of the perceived filibustering on this particular bill and other matters this spring that finally woke the government up to say: "We should be looking at the rules. Maybe those Tories and New Democrats were right that indeed we should be getting down and looking at the rules."



The second thing we are here in July for, I guess, is dealing with some of those rules changes. Quite frankly, on that particular front, regardless of the reason why, we in our caucus, and I think in the New Democratic caucus, are pretty excited. Certainly the member just now arriving fresh from the conference in Edmonton—

**Mr Reycraft:** Calgary.

**Mr Harris:** —Calgary, the parliamentary caucus, where no doubt they are talking about rules of legislatures all across this country and indeed in the House of Commons. I welcome the member back to Queen's Park. Maybe I can sit down shortly and he can take over. Indeed the member for Carleton (Mr Sterling), who has just walked in, is one of those who has pushed for a number of years for rules changes.

Regardless of the reason why, we are enthusiastic that finally the government has approached the rules changes, many of the things that we have been asking for for a number of years, in a more serious way. I think really, in that period 1985, 1986, 1987, 1988, the House of Commons and many other legislatures across this country have passed by us in—

Interjection.

**Mr Harris:** The member for Carleton tells me he shot an 89 yesterday in Edmonton too.

Where was I? I can handle the interjections from the Liberals, it is my own colleagues who get me lost.

Finally we are getting to meaningful rules changes.

From time to time, when the government acts heavy-handed with an arrogant attitude as a majority, I like to make sure people are reminded of what some of them have said. Last January I was able to reference a few quotes. I thought this time I will do a few more and I will save some for the next time this government acts in an arrogant and overbearing way, because I do not see any sign that it is likely to change.

The pomposity is still showing through, if that indeed is a word, so of course I will save some of these for the next opportunity. If I saw any sign that they were about to repent, I would put them all on the record now and get them out of the road, but I will save a few. The Premier, of course, is quoted on a number of occasions. On 8 December 1982, as the member for London Centre, he said:

"I have the right to pursue the most vigorous opposition that I can pursue, and the longer I am here the more I believe very strongly that the opposition is the only thing that stands between government and the sheer, naked use of power. It

is the only check we have in the system, and I believe it is our responsibility to exercise it."

That is the member for London Centre talking about the government potentially at that time bringing in time allocation.

He also said in 1982, "We regret the use of closure and the fact we are being punished for the NDP behaviour."

**Hon Mr Sorbara:** That was a good speech.

**Mr Harris:** That probably was a good one. I wish I could get that whole speech back again.

"We believe that a rational, sensible approach to this whole matter is being precluded from being discussed because of government overreaction to a series of irresponsible behaviours." I am not sure what happened there. It was not the one I wanted to read, actually.

"As my colleague pointed out," the member for London Centre said, "there were other options. That is why we cannot support this motion for closure, guillotine, phase closure, time allocation or whatever one wants to call it."

As I pointed out to the House on Thursday, there are many other options open to this government. The most logical one is to be reasonable and listen to the people who are going to be affected by the legislation. That, of course, the government chose not to do.

In spite of the fact that they want to jam it through, there are ways to do it without setting dangerous precedents in the House, as this motion does. They can use closure, as is in the rules, on the various stages and the various sections. It takes a little longer; it might take three, four or five days to move through committee instead of two, but that procedure could have been followed without setting a very dangerous precedent.

The part about the rules that causes me concern—and I realize we are into technical areas that many members are not concerned about—is this deeming provision. In fact, I have an amendment to move before I conclude, and I hope all members will support it. Although I thought long and hard about whether I would try to make a lousy motion any better, I decided in the interest of the future of this Legislature that my amendment might at least avoid one very dangerous precedent. A number of the others I do not think are achievable, and the government is going to carry on with it anyway.

I will be moving an amendment before I finish. It deals with the deeming provision. That provision allows potentially a very substantial amendment that could change the whole thrust of the bill to be brought in at the end of the first day



of the closure motion when the time kicks in; by its very nature, if it were brought in at six o'clock, say, at the end of the first day, it would give only that night and the morning and the following afternoon to the opposition parties to react to it. It would give no opportunity for the public to react to it.

It would be very difficult, if you can imagine it was brought in at six o'clock, to be able to contact the various associations in fact until the following morning. Even if, as politicians, we elected to work and stay up through the night, it would be very difficult to reach out to the groups that were affected by this piece of legislation or the precedent this sets in the future to say: "Gee, this really changes the bill. What do you think?"

It is that precedent that allows that to happen that already the Speaker will have prejudged, because this motion will be ticking along, will have prejudged that there has been ample time for debate. I just do not think that is right and I do not think that the government would think that is right. This gives the power—

**Hon Mr Sorbara:** Tell us what your amendment is going to say.

**Mr Harris:** It is not my amendment. It gives the power to the minister to—

**Hon Mr Sorbara:** You said you were going to move an amendment.

1620

**Mr Harris:** I do have an amendment to correct that. I am talking now, if the minister is listening, about the motion giving the majority or the minister the power to bring in one or 100 substantive amendments that nobody has seen before, that nobody may have seen right up until six o'clock before the day we are to vote on them, and that is supposed to be okay. I do not think that is okay. Indeed, I do not think that should be a precedent that we want to set.

I perhaps could quote Beauchesne on the matter of the principles of parliamentary law. Beauchesne says "to protect a minority and restrain the improvidence or tyranny of a majority." He goes on to say "to secure the transaction of public business in an orderly manner; to enable every member to express his opinions within limits necessary to preserve decorum and prevent an unnecessary waste of time." He says you can bring it in, but you must make sure that business can be conducted in an orderly manner to enable every member to express his opinion.

It is important that every member get an opportunity to express his opinion. This motion

not only does away with that, but also does away with the possibility of anybody's having a sound look at an amendment that is brought in which could be substantive.

Further, there were many other ways to do that. A motion could have been brought in to say that all of the amendments that have been tabled so far—the bill plus all of the amendments that have been tabled with the standing committee—could be deemed to have been moved. If that were the case, I might not be happy, but I would be more comfortable knowing that perhaps there had been a week, a month or a period of time when everybody had an opportunity to see what the amendment was and to think his way through it.

**Hon Mr Sorbara:** What do you do with opposition amendments?

**Mr Harris:** The minister continually interjects and is continually trying to prolong this debate, which I suggest to him is very close now to going into a second day.

He asks, "What about the opposition amendments?" That would be a problem if the opposition had a majority. If we had a majority, we would not be the opposition. It is the protection of minority rights that we are dealing with here. We know the majority can always do whatever it wants when it comes to votes and what not, so I do not think the Speaker has to be concerned in this time allocation process with protecting the rights of 94 from a wayward amendment that might come in from an opposition party. The government members can simply vote it down.

**Hon Mr Sorbara:** So you would let the opposition move amendments but not the government? Mike, you haven't thought this thing through.

**Mr Harris:** Mr Speaker, I am sorry, I have lost my spot. The minister continually interjects, so I am going to go back over the whole ground again.

**Mr Sterling:** He does that on Bill 194 too.

**Mr Harris:** I think he does it intentionally because he wants to—

**Mr Sterling:** He does not want to get on with Bill 194.

**Mr Harris:** He obviously does not want to get on with it.

We were on the part of the motion that concerns me the most and the precedent that concerns me the most. Maybe if I read the amendment and then distribute it, I can speak at some length on the amendment and convince



members that indeed that makes sense. I do have copies for the table, if one of the pages could come. Perhaps the page could send a copy to the government House leader, who is not in his place listening to this but it is his motion, and one to the New Democratic Party.

**The Acting Speaker (Mr Morin):** Mr Harris moves that the government motion standing in the name of Mr Conway be amended by deleting the words "and any amendments thereto, not yet passed, including those proposed amendments not yet moved which shall be deemed to be moved" on the 9th, 10th and 11th lines and replacing them with the following words "and any amendments thereto moved, but not yet passed."

**Mr Harris:** I am moving this amendment as what I would call a very weak amendment, if you like, in the hope that I might be able to convince the government that there is a lot of sense in it in avoiding a very dangerous precedent, particularly for the future.

I indicated on Thursday that I thought the government could have drafted this motion much more cleverly so as to avoid the type of dangerous precedent and yet still allow it to accomplish the completion of this bill within certain time limits. I acknowledge I may have opposed that motion as well.

However, I am concerned about the precedent of amendments coming from left field, on 24 hours' notice, and being caught in the time allocation and not having time for consultation or discussion or for debate. I believe that is not really what any member of this chamber wants to see be the precedent for the future.

What this amendment will do, if it is passed—at the end, it will still call for amendments. It leaves in the part about tabling them at the end of the first day. As much as I disagree with that, it at least gives 24 hours' notice of what we might be dealing with. If the amendment is bought, I hope the government does not think I am going to support the motion, because it falls a long way short of making this motion supportable, but indeed I think it does something to prevent a problem in the future to be used as a precedent.

Yet it will allow time allocation to catch amendments, government ones and opposition ones, and the only condition on them, according to what the government has said, is (1) they must be tabled the day before and (2) they must have been moved before the time is up.

I suggest to members that they ought to think about what will happen. What will happen, because the committee may have to go through

them in some order, is that for all of those amendments that have been tabled—albeit 24 hours or 12 hours is not enough time to look at that—that are deemed indeed to be beneficial to the bill by all parties in the House, we could have a provision for the Chairman to allow them all to be moved and we could do that early on in the process. What it will not allow, of course, is amendments to come in at the last minute that one party objects to being moved.

The government has made many arguments that it had to do it this way because the bill it drafted was so imperfect that there are a number of amendments that will make it better that indeed even the opposition parties will want—they will not satisfy them the bill is better, but they will want them—and we needed a mechanism to allow that.

**1630**

I suggest that if my very simple amendment is passed, as we get into the time allocation that indeed is what will occur. Where there is some agreement—there may be some amendments we have had time to see, but there may be some we have not—that yes, this will make it a better bill, not a perfect bill but a better bill, then all of those can be moved; then debate proceed and, if time runs out, it will allow them to be voted on. Of course, if the majority of the House wants them, they will be part of the bill, and if it does not, they will not.

It is not a perfect amendment, but it was such a lousy motion to deal with at the start that it was difficult to come up with a perfect amendment. It is an amendment which will not affect the time the government has set out; it is an amendment which will still allow the votes on all the sections of the bill. It will restrict the government; it will lose something. I would ask them to consider giving up one little thing: They will lose the power to bring something in at the last minute, not allow a good look at it or a debate on it and without the consent of the opposition parties, jam it through. I suggest that this will eliminate one of those precedents that concern me.

I know there are numerous others who want to speak on this motion, but I did want to get on the record. I wanted to say on behalf of our party that we are totally opposed to it. I wanted to indicate as well that we are very strongly opposed to this bill and that we will oppose not only this motion of time allocation; we will as well oppose every step of the way the bill as it stands at this particular point in time.

I suggest in a very positive way that there are many other alternatives this government could



have used for closure; and indeed there are thousands of alternatives they could have taken in dealing with the WCB other than with this particular piece of legislation.

I commend to all members of the House the very minor amendment I have put forward that I believe will allow for the process to proceed. It is a technical amendment, I admit, but it will stop a very dangerous precedent from having come forward.

**Mr Mackenzie:** Speaking on government notice of motion 6—

**Hon Mr Elston:** Is this going to be balanced?

**Mr Mackenzie:** No, it will not be balanced. There is no denial of it, on my part.

**Mr Dietsch:** If it is not balanced, does that mean it is unbalanced?

**Mr Mackenzie:** No. It will be accurate, though.

**The Acting Speaker:** Order. If any of the members wish to debate, they will have the opportunity to do so.

**Mr Mackenzie:** I wish the Liberal government members would take the trouble to read the excellent speech by a former colleague of mine, the previous member for Riverdale, Jim Renwick, and his comments of 9 December 1982 on a previous closure motion in this House. Jim warned the government that it gets easier every time you take another slice out of the democratic process, and he quoted Santayana, the philosopher, that those who do not understand or remember history are doomed to repeat it. I think the words are accurate ones.

I could not help but comment also on one of the byplays a few minutes earlier about the consultation the government did with injured workers, that we were not the only ones. I would hope we were not the only ones. I want members to know that I talked to the 40 or 50 who were outside today. The majority of them were of Italian extraction, and were asking for information, one of the questions being, "Why are the Liberals doing this to us?"

They did not feel they had been consulted. If this government and the members were talking to injured workers in Ontario, I hope that statement made, I believe, by the government House leader was more accurate than the claim of the Minister of Labour during the hearings on this bill, who claimed he had also consulted with the players and the parties that were involved, and was I think unanimously rebuked on that comment, because they simply had not been consulted at all on this particular legislation.

Why are we debating a closure motion here today? Let's make no mistake about it: They can call it time allocation but it is a straight closure motion we are dealing with. Why does a government with 94 members in this House as against a combined opposition of 36 opposition members for both parties, two and a half to one, have to resort to bully-boy tactics? Why the iron fist approach? I think it is important to understand why this dictatorial approach and not be conned by it, and that the people of Ontario not be conned by what is happening here.

What are the key government players saying on this piece of legislation? The government House leader, the member for Renfrew North (Mr Conway), and the Premier, the former Mr Teflon, both say we had a year's debate and the time has come to bring it to an end. That is one of the arguments we have been hearing. I think that deserves a brief response.

Almost from day one the minister responsible for Bill 162 has made it clear that the bill will pass basically as it is. Indeed, he was talking to our critic and did not really want to enter into the public hearings we had. It took a demonstration by injured workers in this House to have that come about. He has made it clear that he wants it to pass basically as is. It has been so bad that some of the government amendments, at least a couple of them, are as a result of my colleague the member for Sudbury East pointing out glaring errors in parts of the bill. They were forced, as a result, to bring amendments to the bill for that.

Most of the amendments do not materially improve the bill. As far as we are concerned, we have made it clear—we do not deny this—that the bill is an unamendable piece of garbage that does not even match the human rights protections. That has been clear and the members in this House know it. It gives even more power to an uncaring Workers' Compensation Board. It fails to deal adequately with rehabilitation, and not one in total of the many recommendations of the Minna-Majesky task force report is included in the bill.

It fails to guarantee a return to work and it institutionalizes deeming, a very sick practice that is going to hurt workers in the future in this province, something that is going on already and should not be.

The proposed dual award system will cost and hurt injured workers, make no mistake about it. I think Gordon Wilson of the Ontario Federation of Labour had it right in his debate with the minister the other night when he held up the



dollar bill and said: "Look, this bill is about money. It's about a break for the employers. It's sure not about improving the lot of injured workers in this province."

In spite of these and other shortcomings, in spite of the universal condemnation of the bill by those it is supposed to help and in spite of a total lack of any consultation with those affected, contrary to the Minister of Labour's own statement, there has never been the slightest intent by this government to do anything but ram Bill 162 through. It is almost an article of faith for this minister. I do not know whether he feels that he has lost all credibility if he does not get it through or what, but they want it through and they want it through with as little change as possible.

Not only were vitally interested parties denied a voice but during much of the later part of the committee hearings there was no response at all from the Liberal members of the committee. It was as though they were struck dumb, as though the fix was in and everybody knew it. My point is that a fair case can be made to deal with this government's argument of adequate debate on the merits of this particular bill.

**1640**

The next argument from the government House leader is that the New Democratic Party is simply stalling the business of the House; this from a government House leader whose tactic from day one has been "My way or no way." He is certainly the most incompetent House leader, in terms of ordering the business of this House, that I have seen in my years in this House. The House leaders' meeting are confrontational. House business in this House has been a disaster, and for a small opposition, the only way we have been able to make our points, the only tools at our use, have been the use of the rules or the use of the bells.

No other House leader would have been as lacking in the skills needed to order the efficient business of the House. One would think that a rural boy would have learned that you catch more with a little honey than you do with vinegar.

The government House leader seems to be personally insulted when his big majority does not give him the licence to do exactly as he pleases. His main claim to fame in this House is to have brought about the most unhealthy, nasty, personal and divisive House that is literally operating on invective and personal animosity. It is not a very proud or positive accomplishment. I think the government House leader should be

replaced as a first step to restoring any civility in this House.

The next argument, or should I say government misunderstanding, is the flip and arrogant approach of the Minister of Labour, the member for York Centre. The Minister of Labour has a singleminded approach and he has said it to many of us. "Let's cut a deal. How many times have we said we need to cut a deal on this?" The minister does not seem to understand that for some people, for some political parties, a principle overrides making a deal. Maybe, as a member of his Liberal government, the only principle the minister understands is, "Let's make a deal." Anything is possible.

We have seen it in recent weeks—illegal donations from tax refunds, taxpayers' money, or phoney payments for contracts which no one can prove exist, or big donations from developers and builders and big business, blatant inside-tracking for government contracts from those same sources. He seems to revel in being lost in the hip pocket of developers. Indeed, that may be why he has not passed out from the stench of corruption which seems to overhang this particular government.

Given the sickness which pervades this government, I guess it is really no surprise that his approach is, "Let's cut a deal." You do not cut a deal over a bill that will hurt injured workers. You do not cut a deal over a bill that stinks enough to make strong men bring up.

Every time a government moves closure it gets easier, and democracy is just a little frailer as a result. This is a sad day for justice in Ontario, and I think another sick day for this particular government. The members of this government, argue as they might, know and know very well that there is no real justification for this closure motion at this time. I think fairminded people across Ontario will agree that there is no justification for this motion to stifle debate on something as important as this bill is to so many of the constituents of Ontario.

I think they will live to regret it. I think it is another case of history that they are going to suffer for, because they have not learned from history in the past. I hope the members of this House, although I do not expect it, will decide that they simply are not going to proceed with such a sick and undemocratic approach as this closure motion.

**Mr Laughren:** As someone who was part of the process of the public hearings across the province, I did want to make a few remarks. In keeping with the original, generous remarks of



the House leader about the committee process, I did want to express my appreciation to members of the committee who made chairing that committee on those difficult hearings an easy task. They were very co-operative and, given the rules within which we had to operate, the members of the committee worked extremely hard as we travelled the province.

Many of us were very disappointed in not being able to hear from more people who had expressed an interest. About half the people who wanted to appear before the committee could not appear. Some members of the Legislature must feel somewhat shortchanged in this assembly as well, because the debate that would normally have gone on in here, in committee of the whole House on clause-by-clause now is not going to take place except for the next couple of days, and that is going to be a truncated debate. I am sure there are a lot of members whose constituency offices, like mine, are clogged with problems of injured workers all across the province. Surely those members must feel somewhat cheated by this closure motion brought in by the government.

I have heard the government House leader talk about how we have debated this bill for a year, but I think, to be fair, that most of that time was in hearing public presentations from interest groups all across the province. In keeping with that, we did some comparisons on the amount of time for which different issues have preoccupied this assembly in the last couple of years.

Members will recall the Sunday shopping debate and the debate on Bill 30, equal funding for separate schools. The Sunday shopping debate took a total of 216 hours and 15 minutes. The Bill 30 debate took 390 hours and 43 minutes. Bill 162, the one that has been the issue before us this week with this closure motion, took 162 hours and 16 minutes. To recap that: the debate on Sunday shopping, 216 hours and some minutes; Bill 30, the equal funding bill, 390 hours and 40 minutes; Bill 162, this bill, 162 hours and 16 minutes.

There is no question that other issues have occupied this assembly a lot more than Bill 162. I think it is inappropriate for the government to wring its hands and try to get the message across Ontario that there has been an inordinate amount of time devoted to Bill 162. I think, given the importance of this bill, there has not been an inordinate amount of time devoted to it.

I must say as well that as we travelled the province with the committee, the response was overwhelmingly in opposition to the bill. While

the employers' side of the equation was, generally speaking, supporting the bill, they had some reservations about it as well. There was no cry out there for Bill 162—certainly not from injured workers, the labour movement or advocates for injured workers. There was no call for this bill. They are fiercely opposed to it. On the employers' side of the equation, as I say, there was no great call for it either.

Therefore, one must ask: Why are the Minister of Labour and the government so determined, almost desperately determined, to get this bill in here right now and get it through this assembly before we adjourn for the summer break? I do not know the answer to that question. I have no idea. I do know there is another bill in the offing, known affectionately as Bill 208, the health and safety bill, which the labour movement wants and employers do not want, but there is no hurry for that bill. That has not been before the assembly, not at all. It has not even been before us for second reading.

**Mr Charlton:** Vanished.

**Mr Laughren:** Totally vanished.

Why is it that there is this desperate hurry for this bill, so desperate that they bring in a closure motion, and on Bill 208, the health and safety bill, it has not even been introduced and debated on second reading and referred to committee? Why is that? Why such indecent haste for the bill that workers in this province do not want and no hurry at all for a bill the workers themselves want?

You might ask yourself that question, Mr Speaker. Why is it that the bill the workers do not want is being brought in, and not only brought in but a closure motion being imposed to get it passed in the next couple of days, and the other bill that workers want is not even being introduced?

I have always said that if there is one issue out there in the province of Ontario that convinces me we still have a class system in the province of Ontario, it is the issue of injured workers in our jurisdiction. While it is true that income levels have gone up generally and we are a wealthier society than we were 20, 50 or 100 years ago obviously, it still remains that injured workers are the best example that we still have a class system in Ontario.

**1650**

I do not know why it is that injured workers, who profess a faith in the work ethic by going to work every day and then get injured, have to be made examples and have to be the symbols of the class system in Ontario. I do not understand that.



Is it because they are so vulnerable? Is it because they do not have a lot of votes in any one riding? I do not know why that is, but it is a fact that injured workers as a group are treated very, very shabbily in this province.

I know why the government wants this bill and why it is bringing in closure and why we have this motion before us. It is because the Minister of Labour, and I have heard him say this many, many times, firmly believes that there are inequities in the present legislation. I think he believes it now; whether or not he did when it started and to what extent he has convinced himself with his own rhetoric I do not know the answer to.

Let me say what I think those inequities are which I think led to this closure motion. I will give you an example of an injured worker in my own constituency and I have many, many of them. A worker was severely injured in a rock fall at Falconbridge. This is an actual-case example. He became a paraplegic as a result of that rock fall, of being buried in the rock. He now has a total disability pension from the Workers' Compensation Board. His employer, Falconbridge nickel mines, took that man back at full wages.

This is what sticks in the craw of the Minister of Labour: that worker now has a full disability pension from the board and he has a fully paid job from his employer. The Minister of Labour says that is inequitable, that it is not right that the worker should have a full pension or, as a matter of fact, any pension in his term at the same time as he has his job back, with no loss in pay. The minister is saying that the worker is overcompensated. I would ask the minister and any of the government members, and in particular, those in here today—it is a rhetorical question I am sure they will accuse me of putting, but nevertheless—how many of us would trade our health for overcompensation?

This is a man who became a paraplegic, and there are other stories I could tell about the particular case, but I will not. He became a paraplegic and the Minister of Labour says that this injured worker is overcompensated, that this injured worker should be satisfied to be a paraplegic and go back to work at full pay. That is what the minister is saying, except that the dual award system would give him a cash settlement for his injury for pain and suffering. That is exactly what the Minister of Labour is saying. He is saying that he is overcompensated—

**Mr Faubert:** No, he's not.

**Mr Dietsch:** No, he's not.

**Mrs Fawcett:** Come on, Floyd.

**Mr Laughren:** I see Liberal members are objecting to my comments, but I want to say that the Minister of Labour is saying that worker is overcompensated, that—

**Mr Dietsch:** We just object to your misguided understanding, not your comments.

**Mr Laughren:** Well, this is what the Minister of Labour has said. I have heard him say it. The minister is saying that worker is overcompensated because he draws a pension from the board and he is back at full pay. How anybody can say that somebody who has become a paraplegic as a result of an accident on the job is overcompensated is totally beyond my comprehension. I think what led to this closure motion is that the Minister of Labour feels that person is overcompensated and therefore the minister is going to do something about that. Is he going to increase pensions for anybody? No. He is going to take that worker's pension away, and I am not being rhetorical when I say that when this—

**Mr Faubert:** Nobody's pension is being taken away.

**Mr Laughren:** I want to say that in the future when a worker gets injured, if that worker gets injured after this bill becomes law, that worker will not have a lifetime pension from the Workers' Compensation Board. Does anybody question that? No, they do not, because it is an actual fact. That worker who would become a paraplegic as a result of an accident will not have a lifetime pension from the board after this bill is passed. It is plain and simple. That worker will get a pain and suffering cash settlement, but will not get a lifetime pension from the board.

What the government members are saying is that they will be satisfied if that worker who becomes a paraplegic gets a pain and suffering settlement up front—which will be peanuts, quite frankly, and no pension for life at all, absolutely nothing for the rest of his life—if that worker gets taken back in his regular employment.

I do not know how the government members can rest easily with that decision they have made. I really do not understand it. So not only are they saying to people who get injured with a permanent disability that they are not going to get a lifetime pension for that; they are actually saying that is going to become the law of the land and from now on you will be satisfied with a cash settlement for pain and suffering up front and nothing else to follow.



The Minister of Labour says it is important that we do this because these people are overcompensated and that we must bring in a closure motion and must pass this bill this summer before we adjourn. That is what the minister is saying.

I want to tell members we heard a lot of comments in our public hearings, but basically there were about four main problems with it. One was that the board would have too much discretionary power. So if they do not get this bill right away—hence the closure motion—then the board will not have its discretionary powers increased as quickly as it wants.

I would like to read a paragraph from a letter from the board to an injured worker. This is a paragraph to an injured worker in the community of Chapleau. I will just read one small paragraph:

“To consider the payment of compensation for lost wages and health care benefits, it must be established that the disability resulted from a personal injury by accident or disablement arising out of and in the course of employment. Should the disability have arisen subsequent to the industrial accident, it must be shown that the diagnosed disability is related to the injuries suffered in the accident or its sequelae.”

Mr Speaker, you are trained in the law. Perhaps you could explain this to me and to my injured worker. I do not know what this injured worker's education level is, but if this injured worker works in the bush, which is very often the case in the north part of the riding I represent, I can tell you he does not know what “sequelae” means. I have just written a letter to Mr Elgie of the compensation board asking him to help me explain to my bewildered constituent what he means by that paragraph.

This is the board that the minister is giving more discretionary power to with this bill. That is what he is doing. I want to tell members I have read a lot of correspondence from the board over the years but I continue to be amazed at its ability to confuse. If they confuse me, who has been reading this material for 18 years, can you imagine what it does to the unsuspecting constituent out there who gets hurt, all of our constituents? It really is pathetic the way the board treats its injured workers.

I have dealt with the problem of the pensions. That is one of the major concerns. The increased discretionary powers are another one. Rehabilitation is not guaranteed. That is something the minister had to be told a number of times. Of course, reinstatement rights are not as strong as they should be.

There is a lot I could say. I want to allow my colleague the member for Algoma (Mr Wildman), vice-chairman of the committee and who travelled most of the province with us, to make some comments.

There is a lot I could say about the public hearings. It was an educational experience, even for someone such as I, who deals with compensation all the time. My constituency office is about 75 per cent preoccupied with workers' compensation problems, sometimes more than 75 per cent, and yet it is still an education to go out and hear from injured workers themselves all across the province.

I know that a lot of the members of the committee felt the same as I did and that they learned a lot from that experience. I regret very much that members of the committee were not convinced by them that the bill, in its present form, is not appropriate, is not fair. It really does stick it to injured workers, and I must say that I regret very much that this time allocation motion is being put.

Finally, I feel very strongly that this bill cannot be amended to improve it. I do not see how the government can make amendments to make this bill acceptable. Speaking for myself, I could not accept amendments to this bill because I think it would simply make it a joke to try to make amendments to a bill this bad.

1700

**Mr Brandt:** Initially, I was not going to engage in this particular debate, because some of my colleagues have already put on the record some of our concerns with respect to a time allocation motion, or closure, as this particular motion implies. However, in thinking about the seriousness of the step being taken by the government in this connection, I felt it was important that I join with my House leader and my colleagues, as well as the members of the New Democratic Party, in indicating our very serious and our very strong opposition to what is being contemplated by the government by way of the motion that it has proposed.

My friend the member for Nickel Belt has covered in great part some of his concerns with respect to the bill that led to this closure motion; namely, the workers' compensation bill, Bill 162. I cannot frequently say what I am about to say in this House, but I want to associate myself and my party with the comments made by the member for Nickel Belt, because some of the concerns that he has raised, virtually without question, are ones that we feel very strongly about as well. We feel that this is a flawed bill



and that it is a bill that has a number of problems that are intrinsic within the bill that are unamendable and cannot be easily changed or altered to reflect what we think is required in terms of changes or alterations to the workers' compensation legislation.

However, I do not want to spend a great deal of my time on the detail of the bill today, simply because I believe that the motion for closure which we have before us is really a matter of very serious consequence and a matter of very serious concern, certainly to the members of my party.

It is interesting, I say with respect to the members of the government party, the Liberal Party, that it was not all that long ago that there was a very different opinion taken of a proposed closure motion when the roles were reversed and when that party was on the other side of the House and in opposition. There are many comments that are on the record that we could refer back to, and I know that the member for Nipissing (Mr Harris) has already done this in his remarks, which I listened to with great interest, when he outlined many of the very strong opposition statements that were made by the members of the Liberal Party at that particular time indicating that a closure motion was in fact a way of doing away with the whole concept of the democratic process. Words like "bulldozing" were used, and "flaunting the power of government in a majority."

I do not believe these words were used lightly by the members of the opposition back in the latter part of 1982 and in the month of February of 1983, but they were sincerely meant to send a signal to the government that the democratic process is not, in this House, to be so streamlined that it moves along on a day-to-day basis simply reflecting some kind of an artificial schedule that is put together by the government. There is a whole series of other interests that are out there that have to reflect the views and the opinions and the very deeply held feelings of the people of Ontario that have to be transmitted, if you will, to the members of this House so when we put legislation together and when we finally amend or change legislation proposed by the government, it represents the best of all possible solutions to difficult problems.

Have we in fact arrived at that point with Bill 162? Has the government exhausted all of the possibilities as they relate to that particular bill? Should they now, in their own minds, feel quite justified in moving to a guillotine form of motion which is to cut off the debate and to censor

entirely any further input or comments that could be made by members of the opposition?

I come to the conclusion, and it is why I have taken the opportunity to join in this debate, that I do not believe the government has in fact exhausted all of the opportunities available to it.

I am sorry that the government House leader is not here today, because he said during the preliminary comments leading up to this debate that he was somewhat apprehensive about moving towards a time allocation motion because, "Some of my observations of a previous time may be in fact read back into the record." I intend to do a little bit of that now.

And it was the member for Renfrew North who said: "I reiterate, we have been able to do the business of this Legislative Assembly for a long time, through wartime, through great depression and much acrimony, without the time allocation procedure." The member for Renfrew North said that on 15 February 1983 in a very impassioned address before this House, where he was making it very clear to the government that it was moving in the wrong direction.

At an earlier point in a debate on 8 December 1982, he said: "Notwithstanding what some in the government may feel, I think we threaten"—and these are very interesting words—"to poison this parliamentary well if we proceed in this debate by writing into our rule book this kind of time allocation." That was on 8 December 1982.

Again, on 16 February 1983, the same House leader, when in opposition, said: "The past practice in these cases has been for the minister to consider withdrawing the bill—not for ever, but until such time as tempers cool, calmer heads prevail and conciliatory amendments can be rethought, re-entered and reworked." Never have truer words been spoken as they relate to a particular piece of legislation: "until calmer heads prevail," until we can rethink, rework and re-enter some amendments that are applicable to this particular piece of legislation, which, I say to the members and I warn the members of the government party, is so badly flawed it will come back to haunt them for years to come. It is not the legislation that is required in this province.

What did the Premier of the province today and the leader of the government party say back in the course of the debate that took place in the latter part of 1982 and the early part of 1983? "There were other options. That is why we cannot support this motion for closure, guillotine, phase closure or time allocation, or whatever one wants to call it."



Then there was the Minister of the Environment, who, also speaking during the course of that same debate in February 1983, said: "I feel the government would have been much wiser to have adopted a different course of action. I think it is blocking the democratic process, and that is a mild word to use." He also went on to say that the government was attempting to bulldoze legislation through this House.

It is interesting to note that, of the three gentlemen that I have quoted—and they are honourable gentlemen of this Legislative Assembly—one is the Premier and two are members of cabinet. They have now done a complete about-face with respect to the positions they put before this House in a very impassioned way back in 1982 and 1983, and they now feel there is some driving force, some absolute necessity to bring forward this legislation immediately. I say they are wrong.

It is not being asked for by the workers of this province; it is certainly not being asked for by organized labour. I have not been lobbied by business groups or by any entrepreneurial organizations that have said, "We have got to have Bill 162; it is necessary for us to survive in business." I have not had that kind of approach made to either myself or my office. So, I ask the government: What is the pressure? What is this kind of intense need on the part of the government to bring forward this legislation at this time?

**1710**

As we sit here in opposition, it really raises the question in our minds of what the government is afraid of. Is it concerned that the longer this bill is exposed for public view the more likelihood there is that opposition will grow on the part of people who begin to understand the implications of the legislation being proposed? That is kind of scary, because it proposes that in the democratic process what you do is pull some kind of curtain, some shroud of secrecy around a bill, and you muscle it through with a majority and hope the public is not listening.

The committee spent considerable time, as the government House leader well knows. He missed my comments as they relate to some of the quotes that he made back not all that long ago in this assembly, but the House leader is well aware of the fact that we did have a committee that had what some would believe to be extensive public hearings as they relate to this particular bill.

The interesting phenomenon that occurred with respect to the hearings, literally in every

location across this province, was the fact that there was almost total unanimity as it related to opposition to Bill 162. There was no great chorus, no great demonstration, no great need on the part of anyone other than the government to see that Bill 162 became law in this province.

That is why I question—and I say this sincerely to the House leader, whom I know to be a gentleman and a sensitive individual—the urgency behind this particular bill. Why not allow continued hearings on this bill and the potential for amendments or changes or alterations that may reflect, in a somewhat more knowledgeable fashion, the kind of needs that injured workers have in this province?

My friend the member for Nickel Belt commented, in the context of his arguments for changes to Bill 162, that injured workers are really some of the weaker members of society in terms of their ability to respond to changes in the amount of compensation they receive through the Workers' Compensation Board. He is absolutely right. They are a group that takes up a very large amount of time of all of the members of this assembly in their constituency work on a day-to-day basis.

It has been estimated by many of the members of the Ontario Legislative Assembly that up to 50 per cent of their total workload in their constituency offices is taken up by workers' compensation cases that run, in some instances, for years before those cases are finally appealed, reappealed and ultimately settled, some successfully and some not successfully.

Is that going to change with Bill 162? No, it is not, because the deeming provision within this bill alone will make this bill unworkable. It will cause rancour and it will cause upset among those who are injured and are deemed to be able to take a particular position, if you will, as is indicated by this particular bill. There will be anger that will be generated as a direct result of that and that anger will be felt very directly in the offices of all 130 members of this assembly.

I believe we are taking the wrong approach. That approach calls for us to move rather quickly on Bill 162, to get this business over with, as though in a democracy, I say with respect to the House leader, it is so extremely important that we turn the page on Bill 162 and move on to some new piece of business. What, I ask my friend, is going to change if we do not have Bill 162 nicely tucked away before this assembly goes into summer recess?

Absolutely nothing. But the other side of the coin is this, that by a delay in the passage of Bill



162, by the opportunity that may present itself to members of the opposition, there may well be some additional, positive, workable amendments that could be put forward which the government may, in its wisdom, consider and which will make this bill a better bill for all parties concerned.

I want to put some of these concerns on the table simply because I think they are valid. The government has a number of options. I want to say to the House leader that one of the options which he himself proposed during the course of those interesting debates back in the late months—December of 1982 and the early months of 1983—in February as I recall, his advice to this assembly, during the course of a debate on a controversial bill, was that we should withdraw the bill until calmer heads prevail, until tempers cool, until some conciliatory amendments can be brought forward.

I say to the government House leader, the member for Renfrew North, that in fact the very advice that he gave at that particular time is advice which is applicable in the context of this bill, this guillotine motion, this closure motion today. That is why we are concerned about the House leader's not taking his own advice in this particular respect.

This is a very serious decision by the government. It is a decision in which the government quite knowingly uses its majority to simply pound through its will irrespective of the strong feelings of the opposition as related to a closure or time allocation motion. There are other options, I say to the members of the governing party; there are other alternatives that could be exercised or at least considered. We could continue this debate and look at some of those other options and considerations that I think are very valid. Many of them concern themselves with, I believe, positive amendments which will strengthen the current legislation.

The members of the governing party may say: "You're going to go on ad infinitum on this debate. You're going to go on ad nauseam with respect to the debate. You're never going to close it off. You're simply going to try to wear us down to the point where you, as the members of the minority parties, will get your way and the government will not be able to govern as it is charged with the responsibility to do."

If that is their feeling, I say to the members of the governing party then they should recognize the safeguards that are built into this democratic process that we all think so strongly about in this particular assembly. We all are elected to

represent the people, and those people view with interest the debates that go on in this House on a regular, daily basis. They know the positions we take as individual members of our respective parties; they know the views we put forward.

If the members of the two opposition parties act irresponsibly, we are prepared to pay the price for that irresponsibility, and we will pay that price whenever the next election is called. However, I say to the members of the Liberal Party, they too have a responsibility as the government to govern sensitively and to govern in a balanced and fair way. That means they cannot simply bulldoze motions through this House because of their majority. In fact, there are times when they have to be patient with what is, I acknowledge, a slow process known as democracy.

We have all fought for the principles of being able to state our views clearly in this assembly over a period of time and to exhaust whatever issues are before us until such time as we finally and ultimately make a decision. The time is not right, my friends, to make that decision now for a couple of reasons: First, the closure motion is wrong and, second, Bill 162 is badly flawed and will cause a serious problem not only today but in the future.

**Hon Mr Conway:** This is not closure.

**Mr Brandt:** The government House leader reminds me that this is not a closure motion, that it is a time allocation motion, which is perhaps a more comforting way of saying he is going to limit this debate.

**Hon Mr Conway:** Closure is a different thing.

**Mr Brandt:** As my friend's own leader said—and I will go back to quote the Premier, if I may. On 8 December 1982, when he was leader of the official opposition, he said that "there were other options. That is why we cannot support this motion for closure, guillotine, phase closure, time allocation or whatever one wants to call it."

If the government House leader wants to argue with his Premier over what we call this particular motion, it is up to him to have that dialogue with his Premier. The fact of the matter is that he is limiting the debate on this particular bill and he is doing it in a way that we find unacceptable.

By way of closing, I say that we members of the opposition parties will be held accountable for the actions we take. If we simply pursue debate for the sake of debate for an extended period of time, then we will pay the price with the public for taking that particular action. If we act irresponsibly, then we should be treated in like



manner when the electorate goes to the polls, whenever that particular time may be.

1720

I want to say in closing that my view on Bill 162 remains firm. I believe very strongly, as do my colleagues in my caucus, that Bill 162 will simply aggravate existing problems with the Workers' Compensation Board. If we felt truly within our own hearts that this was some kind of legislation which would amend what we have on the books now and make it stronger and more reflective of the needs of workers, then I would rally my caucus in such a way as to support the government.

However, I do not feel that way. I feel quite the contrary: that this legislation is going to cause further complications, further difficulties, further rancour and anger with the workers of this province. I simply do not believe that that is fair and reasonable when you recognize that these are individuals who have very few other courses of appeal that are available to them. They have to turn to the members of this assembly to fight for their rights; they have to turn to the members of this assembly to look after their interests, and they have said quite vocally in a number of locations across the province that they are opposed to Bill 162.

I see no rush in bringing this legislation forward. I see no urgency, no demand on the part of any special interest group that we have to have this legislation before this assembly closes for the summer. On the basis of those arguments, I would plead with the government, and the House leader in particular, with whatever influence he might have with the Minister of Labour and with the Premier, to intercede on behalf of the members of the opposition, knowing full well that co-operation is a two-way street and that in the future he may well be looking for the co-operation of the opposition.

Here is one opportunity for him to show us the strength of his persuasion, the strength of his feelings towards the importance of the role of the opposition in this assembly, which he has spoken so eloquently about on so many occasions in the history of the past decade and a half in this historic place.

This is his opportunity to show us that he does in fact understand the very strong feelings of the opposition as they relate to this particular closure, guillotine, time allocation motion. We oppose it because it is wrong and we oppose it because if we simply let Bill 162 go forward, I believe the people of Ontario will be the losers.

**Mr Wildman:** I am just going to speak very briefly on this closure motion. I do use that term advisedly. No matter what the government tries to call this motion, it is in fact a motion that will foreclose debate and that is the whole purpose of this motion.

I must say that I am very disappointed that the member for Renfrew North would be the sponsor of such a motion in this House. I think it demonstrates for the public out there that this government is like the previous government, that in fact this government deals in what might be called situation ethics. Something that was wrong when they were in opposition is okay when they are in government.

I will not quote back to the minister the comments he has made in the past, but I will say, as a person who was involved in the committee, I do not intend to speak about the substance of the bill that is before us but simply this motion.

This government is acting and has acted on Bill 162 in an undemocratic fashion right from the beginning. Initially the bill was introduced by the minister and he said he wanted it passed by Christmas without any hearings. It took a demonstration by the injured workers to force hearings.

Then when the hearings were held, the government refused to allow all of the groups that had said they wanted to speak to speak. The time was allocated in the committee to prevent over half of the groups that wanted to speak from having the opportunity to make their presentations before the committee.

We have heard what deeming in Bill 162 will do to injured workers in the province. In this motion, the government is carrying the concept of deeming to the extreme in that it is saying, and it has been accepted by the Speaker, that it is appropriate to deal with amendments even if they have not been put, even if they have not been dealt with by the committee in clause-by-clause, but simply to deem that they have been put.

It is the responsibility of the minority in the House to hold the government accountable. This government does not want to be held accountable on Bill 162. The only reason I can come up with for that is that the bill itself is so flawed and the Minister of Labour understands it is so flawed that he does not want to have to answer questions on clause-by-clause in detailed debate about what the ramifications are of Bill 162.

Every time we have a time allocation motion put before the House, or a closure motion, it becomes easier. That is very dangerous. The more often this is done, the less likely govern-



ments are going to be reticent about doing it in the future.

**Mr Reycraft:** Just like bell-ringing.

**Mr Wildman:** The comments about bell-ringing are again examples of situation ethics. What was okay in opposition is not okay in government. Is that it? It was okay to bring in bell-ringing when it was in the government's interest, but not when it is in the interests of the injured workers of this province.

**Mr Reycraft:** Every time you do it, it is easier than the last.

**Mr Wildman:** Every time the government introduces this kind of a motion, it diminishes Parliament and it diminishes our role in the responsibility of meeting our responsibilities to the electorate of this province. This government has an enormous majority. If it could not use that majority to operate in a committee and get something through, it is that government's fault. It is not the opposition's fault and it certainly is not the labour movement's or the injured workers' problem.

The fact is that this government does not know how to operate in the House and the only way it can get anything through is by forcing it through with closure motions.

**The Acting Speaker (Mr M. C. Ray):** I would like to draw the attention of the House to a person in the gallery, a friend of mine and of this Legislature, Ted Bounsall, the former member of provincial Parliament for the riding of Windsor-Sandwich.

**Mr B. Rae:** I have some particular interest in this debate, not only because of the subject matter in terms of workers' compensation, but because of the experience we had with closure in this House. It began almost simultaneously with my arrival here, with the presentation of Bill 179 by the government of Mr Davis at that time. I have given some thought to the transformation in this Legislature which has taken place over the last seven years.

I can tell the members that when I was in another democratic forum, we had experiences there with various forms of time allocation and of closure. I will not take this opportunity to go through back to the great debates of 1911 and 1912 and the history of closure which was presented to this House so brilliantly by the late Jim Renwick when he discussed the origins of closure in the British Parliament and the debates over the Irish question in the 1880s. I could not hope to match Mr Renwick's historical and narrative skill in going over that ground. It was a

great speech for those of us who were here and for those of us who were involved in that debate.

But I would just like to say more than a few words about what has happened to this House and what has happened to the way in which governments have responded to particularly difficult debates. We are still in the position where we can count, if not on one hand, at least on two, the times when governments have felt it necessary to invoke closure or time allocation. I say without apology to the government House leader, who no doubt will say this is not closure and will say that I use the word "closure" as a generic term to cover any effort by a government to limit or restrict debate and to set certain times as to when debates will be over, and that I regard this as a closure motion. I think if you talked to most people walking down the street about what happens when a government moves closure, if they knew what you were talking about at all, they would understand that setting limits to time is exactly what is involved.

**1730**

There is a common thread, with one exception, that runs through these experiences, and I think it is important to go over them, because I have only been in opposition; I have never been a member of a government and I have never been in a position where I have had to decide whether or not closure would be something we would invoke. I was involved in certain discussions with respect to extra-billing, and I am going to be talking about that, when our party was the third party in the last Parliament. I do want to talk about the three early experiences which we have had in this House, because there is a common thread behind them, and this one joins with that thread.

I think it is important for everyone to understand why opposition parties decide to oppose certain kinds of legislation and why and how they decide that certain kinds of legislation or certain bills are going to be opposed in a particularly strong and vehement fashion.

There will no doubt be some who look at opposition parties and say that simply obstructing or opposing, throwing up roadblocks, is the only thing our opposition parties are good for or know how to do, in addition to posing embarrassing or difficult or effective questions in question period. But I would say that in fact opposition parties have to choose very carefully—and from my experience, do choose very carefully—those bills and pieces of legislation which they single out as bills which they will do everything in their power to stop or to slow down.



We oppose a great many bills that we do not attempt to slow down or stop. I think if you looked at the number of divisions that have been held in this House over the last number of years, you would find there have been countless divisions on any number of pieces of legislation where we had determined that we were opposed to the law, we did not like the bill, we thought it was wrongheaded, we thought it was an inappropriate response, we did not agree with it; nevertheless, we were prepared to have the kind of discussions that go on between House leaders about how you allocate time for business. We would be very certain to say, "We feel strongly about this," but here would be a stately, if steady, progression of most pieces of legislation through this House.

There are exceptions, and I think it is important for the House to understand what those exceptions are, why it is that parties such as ours feel so strongly about them and why it is we attempt to use the only tool or weapon that is given to us in the parliamentary system.

Many of us look with some envy at our congressional friends in the United States, where we see a system where there is far more negotiation, far more give and take, far more opportunity for backbench members of all parties to express themselves. There is far more opportunity for that to happen.

**Mr Neumann:** But no question period.

**Mr B. Rae:** They do not have a question period, as the member for Brantford is saying.

**Mr Neumann:** They do not have the executive in the Legislature either.

**Mr B. Rae:** The executive is not in the Legislature. We understand the differences in the system.

Most of us know that in the case of minority parliaments there is far more give and take, which is why I personally like minority parliaments. I certainly enjoyed the last one. I only wish it had lasted a little bit longer. We like the give and take that is there. We like the opportunity for individual members to express some influence and to have an ability to affect things. Majority parliaments produce legislation which is very difficult for us to amend.

Let me go back over the history of this, just so everyone will understand. Bill 179 was a bill introduced by this government which said categorically and clearly at that time that every contract which the government of Ontario had with its own employees was going to be thrown out the window—every single one. Every negotiated settlement which provided for certain

increases was going to be thrown out the window and ruled null and void by the government of Ontario.

I cannot imagine a more arbitrary step being taken by a government than the one that was taken by the government of William Davis in 1982. That is why, when I was first elected in 1982, I had no hesitation in saying to the Premier at that time, "I don't care, frankly, sir, whether closure is something that you've ever had to worry about before or whether delay and obstruction is something you've ever been used to before, I'm telling you"—and we told the government in no uncertain terms in 1982 that we were going to fight that bill with every possible weapon that we had in terms of time.

Why do we use this tool—weapon, if you like—of time and of delay? What is the purpose of the delay? The purpose is to give the government a chance to listen and to change its mind. It is to recognize—

**Mr Chiarelli:** The tyranny of the minority.

**Mr B. Rae:** The member for Ottawa West says that it is the tyranny of the minority. I am going to say something about that in a moment, because I think he raises an important issue and it is one I am very conscious of. Whatever else one may think, it is something one has to be aware of in terms of finding the balance.

But when we are faced with legislation that to us is completely unacceptable, as an opposition what we have to do is then say we are going to use the only weapon we have, which is time.

In a minority Parliament, you have a lot of other weapons you can use. You have the simple power of numbers to effect amendments, to force the government to have to compromise. Compromise becomes the nature of the process and the way of a minority Parliament.

In a majority Parliament, compromise is not the way of the system. Compromise is unheard of. Governments with a majority do not compromise unless they are forced by public opinion and time to do so. What majority governments say when they are determined to proceed with a certain path is to go ahead.

In my experience in the House of Commons or my experience here, I cannot remember a time during a majority Parliament when a significant amendment proposed by an opposition member to a bill has been accepted by a government. I cannot recall such a time, and if someone can point to such an occasion, I would say that is the exception that proves the rule, because once that power is there, once that executive capacity is there, it is used simply to preserve the power of



the majority and to proceed on the basis of what the majority wants.

There have been many comments on bell-ringing and many comments on various other kinds of tactics we use. I can tell the member that whether we use bell-ringing in the future will of course depend on the negotiations that are ongoing with respect to the rules, which we are all aware of, but I can say to the member that we are determined to maintain our capacity as an opposition to use our control over time, because if we are not able to effect—I should not use the word “control” but “influence”—if we cannot use our influence over time, we are then in a position where it is impossible for us to allow public opinion to get a government to change its mind.

Bill 179 was a measure which unilaterally broke government contracts. Bill 127 was a change in the relationship between the various boards of education in Metropolitan Toronto—again, a unilateral change in the way in which that world worked which was so unacceptable to the board of education in the city of Toronto, and as has already been stated, it was supported by the opposition in terms of our approach to this.

At that time we had night sittings, and I can recall when we used to share an opposition bench. I can recall the whole purpose of what was going on between the members of the opposition. We were seeking to get Bette Stephenson to change her mind. We were seeking to get negotiations under way which would effect a change in Bill 127, and we were faced with a minister who said, “It’s my way or the doorway.” That was the minister at that time, Bette Stephenson.

I can also say that we took the same strategy with respect to Sunday shopping, again a change which was opposed—strongly, harshly, deeply opposed—by communities across this province through their duly constituted and elected councils, just as in this case there were collective agreements that were signed by people who were elected that were broken.

**1740**

I believe, when we have all the municipalities in the province saying how opposed they are and when we have the level of public opinion opposed, the opposition has a responsibility, not just a right but a responsibility, to slow the process down and to throw enough spanners in the works, because that is all we have the capacity to do, to force a government to listen and to change its mind.

That is what opposition in a parliamentary system is, apart from question period in which

the production of information and the posing of questions is the historic right of an opposition, which has now been institutionalized, is on television and is the parliamentary forum which most people understand and see as parliamentary. The other part of it is our ability and capacity to influence time and to give governments an opportunity to change their mind.

We come to this question of workers’ compensation. This is a bill which has been discussed and whose principles have been discussed at enormous length in this House and which were debated at great length all one night last week by my colleagues, led by my colleague the member for Sudbury East. We have been up and down this legislation and we have indicated as clearly as we can why we are opposed to it and what we intend to do to get the government to change its mind.

Just as before I talked about the contracts which were broken with respect to Bill 179 and how seriously we took the breach of those contracts—literally collective agreements, contracts duly signed, which were wiped out overnight by the stroke of Bill Davis’s pen, reducing the standards of living of literally hundreds and thousands of working people in this province, so with respect to workers’ compensation we have also talked of a contract, only not, if you like, a written contract, but a broader social contract. I want to outline once again what the nature of that contract is and how important maintaining that contract is to members of our party and indeed, if I can speak more broadly, members of the movement which we represent politically in this House.

Prior to the passage of any workers’ compensation legislation in this province, every worker in this province had certain rights which pertained to him or her as they were granted at common law. Those rights included the right to sue an employer for negligence, to sue an employer for causing damage to one’s bones, body and health. Those rights were difficult to enforce, they were hard to maintain, but nevertheless they were the rights of Canadians, as they were the rights of Englishmen and Americans, those who were inheritors of our common law system, going back to time immemorial, into medieval times.

There grew a movement across North America, and indeed across the industrial world, which said that this system was not working properly. So the Chief Justice of Ontario was appointed a royal commissioner to try to develop some new principles which would be established which



would replace the old common-law system. That is what happened in the years before 1914 and that is what produced the royal commission on workers' compensation with its report calling for a complete sweeping overhaul of the whole system of accident compensation, compensation for the victims of accidents. It produced a social contract.

As with any contract, people give up something in order to get something. They give consideration in order to get some kind of benefit in return. In the case of this social contract, the consideration given by the workers of this province was that they gave up their rights to sue, they gave up their legal rights to pursue a remedy which was granted for hundreds of years, from time immemorial, to go to court, in exchange for which they were given a system of insurance, a system of no-fault insurance which was to be administered by a board whose benefits or whose payments would be paid for by employers. The board itself would be an instrument which would be independent of government, independent of employers and therefore something in which the workers of the province could have some confidence.

That was the historic contract that existed in 1914-15. It was not a perfect system. We have had enormous difficulties with that system. We have had incredible abuses in that system. We have had extraordinary cases of injustice in workers' compensation, but above all what we have had is a sense from the working people of this province that workers' compensation was a contract of which they were members and of which they, in a sense, were signatories. They were there but they were there to receive benefits in exchange for having given up some rights.

I have been in this House for seven years and have listened to a great many proposals about workers' compensation. Indeed, I have voted on a number. We have made changes in workers' compensation over the years. The last proposal put forward by the Tories and initiated by the Liberals in 1984-85 provided for certain changes in the board, development of a Workers' Compensation Appeals Tribunal and changing of the powers of the corporate board. We have had amendments which have come about in terms of indexing of benefits, which was a constant issue for workers who had to come down every year and negotiate outside the House and demonstrate outside the House for improvements in their benefits. We have seen how that has had to change and had to be changed.

We have made minor amendments: the changing of the act itself from the Workmen's Compensation Board to the Workers' Compensation Board. What have all these changes had in common? What has every one of these changes had in common? One could go back to a time well prior, to the slow changes in administration which have been made, to the slow recognition, first, of asbestosis, then of cancer; the beginning to recognize the nature of industrial disease. All these have been slow but steady improvements which, when they were finally introduced by the government, were recognized by the partners to the social contract as progress, but not as much as they would have liked. The labour movement always wanted more. Its historical prerogative was to want that, but it was always seen by them as something which they approved.

I have looked through, as much as one can, the recent history of this province and I can find no evidence of any major change being made in the law with respect to workers' compensation which was not accepted by the vast majority of the people who were going to be affected by the legislation. I cannot recall a government, a Minister of Labour or a Premier who has introduced changes to workers' compensation which were unacceptable to the very people the legislation affected directly. That is the reason we have opposed this legislation as we have, not wilfully, not because we enjoy taking time, delaying and causing as many delays as we possibly can. I make no apology for having done that. We have no other means at our command.

If the government is unhappy with us for delaying, why does the government not sit down with the labour movement and with us and discuss what amendments would be acceptable? Why does the Minister of Labour not take one serious amendment? Why does he not take one approach from Mr Wilson seriously? Why does he not take one thing seriously? Instead of that, what is the minister's approach? Absolute condescension, "Oh, everybody I've ever spoken to is persuaded as soon as they come into my office," which is absolute nonsense.

**Hon Mr Sorbara:** That's nonsense, Bob. Your friend from Sudbury East has not been willing to discuss that bill from day one.

**Mr B. Rae:** I say to the members of the majority in this House that—

1750

Interjections.

**The Speaker:** Order.



**Mr B. Rae:** —if they treat the minority and if they treat the labour movement with utter contempt in terms of the substance of our criticisms of this bill, as they have done, we have no choice but to take the steps we have taken in order to force them at least to take the time to consider that they may be wrong, that they may have made a mistake.

If the government showed the slightest humility about its approach to this legislation—

**Mr Chiarelli:** Did you ever consider that you might be wrong?

**Mr B. Rae:** The member asks: Have I ever considered that I might be wrong? Of course I have. Every day I consider that possibility, and not only that possibility, but if he knew anything about me, he would know that I also consider the very real likelihood of that being the case.

**Hon Mr Kerrio:** Not every day.

**Mr B. Rae:** Well, most days.

My guide in this instance with respect to workers' compensation is a very simple test, and that test is this: If the majority of working people are opposed, if those people who represent working people are opposed, and I see on the other side the development industry and the construction industry and the bureaucrats at the board and the bureaucrats at the ministry all amassed on the other side, I have a kind of rough sense of where I am going to go. I have a kind of rough sense of where it is going.

That is really what it is all about: Which side are you on? The government has shown very clearly which side it is on and who it is benefiting and who this legislation is for. This legislation is the first time and this minister is the first Minister of Labour who has brought in changes to the Workers' Compensation Act which were not prior negotiated with all the partners in the social contract and which were not negotiated with the labour movement, and that is a fact.

The minister can say, "I think this is going to benefit working people." He can say, as he has done and I am sure he would again if he had the opportunity: "We are determined to do this and to simply maintain it. We're going to do it because we think it's the best way and our studies convince us that we're right."

That is not the issue. The issue for me is a different one. If it is seen as a breach of the social contract by one of the partners of the social contract, we have to take that claim seriously, and we have done.

I want now to reflect and turn to the question of closure and the question of the rights of the

majority and the rights of the minority and how we balance all these things out.

Many members have commented on the fact that our delaying amounts to an abuse. I will deal with this argument very directly. Many people have said to me and many workers outside have said to me: "Mr Rae, why don't you ring the bells? We feel this is so bad, we want you to ring the bells." I ask, "How long do you want to ring them for?" They say: "We want you to ring them indefinitely. We want you to ring them as long as you possibly can."

I want to say to you, Mr Speaker, and I want to say to this House and I want to say to the injured workers of this province, I have thought long and hard about what strategies and tactics make the most sense. I have on occasion been party to the ringing of bells for a purpose, in an attempt to get a government to negotiate. More or less, each time we have managed to reach some sort of accommodation, on the basis of what took place. There have been very strong comments made by House leaders accusing us of hijacking and of unparliamentary activity and of kidnapping Parliament and all kinds of things, but all kinds of things are part of the give and take of political life and that is something one has to simply accept.

I say this to the injured workers of this province: If I honestly believed, after the debate we have had in this province and the debate we have had here, that this government was going to change its mind or that this bill was going to be changed because of a delay of a week or a month or a year, I would not hesitate to do it.

But I can say that my political judgement is that this government has decided that it is up or down. This has become clear to all of us over the last month, that this government has decided that this is the legislation it really wants. They have listened to the objections. We do not think they have listened effectively, we do not think they have really listened—they have listened but they have not heard, if you will—but they have certainly had the opportunity to hear from every group and every person who feels this is a terrible bill, and I must say I am one of those.

But I would also say to the injured workers of this province that, much as Edmund Burke said many years ago, "We are here to exercise our judgement." I am exercising mine. I told my colleagues in the caucus this morning, and I think we have all come to a similar conclusion, that if this government is so wed to this bill that it needs closure to get it, will accept no further delays, intends to proceed in the arbitrary and incredible



way in which it intends to proceed, then we feel we have fought the fight.

We have given the public a chance to speak. We have delayed the bill as long as we possibly can and we must accept the realities of politics, which are that the Liberal Party won the last election, that it has 94 members in this House and that we are the official opposition and we are not the government. Those are facts of political life, which are never pleasant but which are nevertheless real.

We will be voting against this closure motion. In my view, we will not be voting on any of the amendments which are presented by the government over the next few days, because we think the process that has been established is a farce and a fraud. We think the government is bringing in a measure which is a profound breach of the social contract of this province and we have spent over a year making that as clear as we possibly can.

As I have said, this government has decided that this is the bill it must have, so it will get it with no help from us and with no assistance from us, with no compromise on our part, because we do not believe one iota in what it is doing. We nevertheless recognize that a further debate on this closure motion would be fruitless and futile and would serve no other political purpose, and in particular would serve the injured workers and the organized and the unorganized workers of this province not at all.

We are opposed to the closure motion of this government and we will be doing whatever we can to oppose it and to express our opposition to it, but we say that if this is the bill the government must have, then let it lie on the Liberals' heads. Let it lie on the government and the Liberal Party. Let history show that this Liberal Party which was elected in a spirit of reform has sold its soul to those who believe there is a cheaper solution to workers' compensation.

Let the record show that the developers in the construction industry and the powerful industrial interests which want this bill have got their government. They have their cabinet. They have their law and they have their bill. Let it be on the heads of the Liberal Party that campaigned to injured workers promising reform and giving them the opposite, giving them a shafting which they have not experienced as injured workers in this generation. Let that be shown.

Que les députés sachent que le Parti libéral, élu comme parti de réforme, est devenu un parti de réaction, des grandes compagnies et des grands intérêts dans cette province.

That will be the legacy of this government, that will be the legacy of this minister and that will be the legacy of this Premier.

**The Speaker:** Are there any other members wishing to participate in the debate? If not, Mr Conway moved government notice of motion 6. Mr Harris moved an amendment, and the amendment stated—Dispense?

**An hon member:** No, not with the amendment.

**The Speaker:** Mr Harris moved that the government motion standing in the name of Mr Conway be amended by deleting the words "and any amendments thereto, not yet passed, including those proposed amendments not yet moved which shall be deemed to be moved" on the 9th, 10th and 11th lines, and replacing them with the following words: "and any amendments thereto moved, but not yet passed."

**1800**

We will deal first with Mr Harris's amendment to the motion. Is it the pleasure of the House that this amendment to the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

**1806**

The House divided on Mr Conway's motion, which was agreed to on the following vote:

#### Ayes

Beer, Black, Brown, Callahan, Caplan, Carrothers, Chiarelli, Cleary, Conway, Curling, Daigeler, Dietsch, Elliot, Elston, Epp, Faubert, Fawcett, Ferraro, Fleet, Fontaine, Fulton, Grandmaitre, Haggerty, Henderson, Hošek, Kanter, Kerrio, Keyes, Kwinter, LeBourdais;

Lupusella, MacDonald, Mahoney, Mancini, McGuinty, Miclash, Miller, Morin, Neumann, Offer, O'Neil, H., Owen, Polsinelli, Poole, Reyecraft, Riddell, Roberts, Ruprecht, Smith, D. W., Sorbara, South, Sullivan, Sweeney, Tatham, Wilson.

#### Nays

Brandt, Bryden, Charlton, Cousens, Harris, Jackson, Kormos, Laughren, Mackenzie, McCague, McLean, Morin-Strom, Philip, Rae, B., Reville, Runciman, Sterling, Wildman, Wiseman.

Ayes 55; nays 19.

The House adjourned at 1810.

## ANSWERS TO QUESTIONS IN ORDERS AND NOTICES

### HOSPITAL FINANCING

**87. Mr Eves:** Would the Minister of Health table the approved operating budgets for all Ontario hospitals for the fiscal year 1987-88 and the estimated operating budgets for fiscal 1988-89? [Tabled 4 May 1989]

**Hon Mrs Caplan:** The following is a list of approved allocations and one-time adjustments for all Ontario hospitals for the years 1987-88 and 1988-89: Approved allocations, 1987-88, \$5,122,800 (8.8 per cent); 1988-89, \$5,543,400 (8.2 per cent); one-time payments, 1987-88, \$37,800; 1988-89, \$56,900; special capital payments, 1988-89, \$82,200.

### FOAM USED BY WATERBOMBERS

**242. Mr Wildman:** Would the Minister of Natural Resources provide the following information: the components, chemical and other, of the foam kits purchased for each of nine CL-215 waterbombers; the total cost of each kit; the provisions made for disposal of waste foam and containment spills of foam; the methods designed to prevent contamination of lakes by tank residue during water pickups and tank flushing procedures by aircraft; the approaches for protecting the health and safety of employees and the general public who might be exposed to foam during aircraft maintenance and preparation or waterbombing operations? [Tabled 28 June 1989]

**Hon Mr Kerrio:** The question has been broken down into its constituent segments and answered as follows:

1. What are the components, chemical and other, of the foam kits purchased for each of nine CL-215 waterbombers?

Each on-board injection system is composed of two polyvinyl tanks that have a collective holding capacity of approximately 135 imperial gallons (614 litres) of foam concentrate. There is also an on-board pump and electrical circuitry system that allows the pilots to inject measured amounts of the concentrate directly into the water holding tanks in order to achieve specific mixes of water and concentrate. This is achieved through controls that are placed in the cockpit.

2. What is the total cost of each kit?

The cost of equipping a CL-215 aircraft with a foam injection system is \$27,777.

3. What are the provisions made for disposal of waste foam and containment of foam spills?

When it becomes necessary to flush an aircraft's injection system, absorbent rags are used to wipe the tanks clean. These are placed into drums and are later disposed of at landfill sites. Methyl hydrate is disposed of, along with waste oil, under the ministry's waste generator number for the operation. This is done through properly licensed waste disposal vendors as per Ministry of the Environment policy.

Spills on to the tarmac are soaked up using absorbent materials that are designed for such purposes (eg, Absorb-all). This material is then shovelled up, placed into a container and disposed of at a landfill site.

Because of the design of the systems for handling foam, any spills that might occur are minimal in volume.

4. What are the methods designed to prevent contamination of lakes by tank residue during water pickups and tank flushing procedures by aircraft?

The on-board injection systems are self-contained units that have no direct flow access that would allow the concentrate to inadvertently be released into a water body during bombing operations. Water is scooped into the CL-215s by means of probes that are extended into a lake while the aircraft is skimming its surface. This water goes directly into the holding tanks of the aircraft. By separate means, the concentrate is injected into the water tanks after the scooping process has been completed and the aircraft has lifted off the water. The foam solution can only be released by opening the bombing doors, an operation that the pilot controls.

It is normal practice to clean the aircraft's water tanks at the end of a bombing mission, where foam has been used, by dropping two loads of straight water. These drops would be placed on to the fire that was being actioned as part of the ongoing suppression operation.

The ministry's operating policy is to not make foam drops that will land, either in whole or in part, into lakes, streams or other water bodies.

5. What are the approaches for protecting the health and safety of employees and the general public who might be exposed to foam during aircraft maintenance and preparation on waterbombing operations?

All ministry staff are provided with workplace hazardous materials information system training. As covered through this training, all personnel who will come into contact with either the



concentrate or the foam solution are provided with access to the product's material safety data sheet. If foam is to be used on a fire where the public is present, there would also be knowledgeable ministry personnel onsite who would be capable of addressing any concerns. It should be noted, however, that the public would not normally be involved in any such operation.

Staff who handle the concentrate follow MSDS procedures. They wear clothing and protective gear that will generally prevent the concentrate from coming into direct contact with skin. This includes the wearing of full eye protection goggles, rubber gloves and coveralls.

## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

Second Session, 34th Parliament

**Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC**

Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
 Beer, Charles (York North L)  
 Black, Kenneth H. (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon James J.**, Minister of the Environment (St Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breaugh, Michael J. (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon Elinor**, Minister of Health (Oriole L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
 Collins, Shirley (Wentworth East L)  
**Conway, Hon Sean G.**, Minister of Mines (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L. (Durham East PC)  
**Curling, Hon Alvin**, Minister of Skills Development (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St Catharines-Brock L)  
**Eakins, Hon John F.**, Minister of Municipal Affairs (Victoria-Haliburton L)  
**Edighoffer, Hon Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon Murray J.**, Chairman of the Management Board of Cabinet and Minister of Financial Institutions (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)

**Fontaine, Hon René**, Minister of Northern Development (Cochrane North L)  
**Fulton, Hon Ed**, Minister of Transportation (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
**Grandmaître, Hon Bernard C.**, Minister of Revenue (Ottawa East L)  
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 Hampton, Howard (Rainy River NDP)  
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 Hart, Christine E. (York East L)  
 Henderson, D. James (Etobicoke-Humber L)  
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 Jackson, Cameron (Burlington South PC)  
 Johnson, Jack (Wellington PC)  
 Johnston, Richard F. (Scarborough West NDP)  
 Kanter, Ron (St Andrew-St Patrick L)  
**Kerrio, Hon Vincent G.**, Minister of Natural Resources (Niagara Falls L)  
 Keyes, Kenneth A. (Kingston and The Islands L)  
 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
**Kwinter, Hon Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
 Laughren, Floyd (Nickel Belt NDP)  
 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
 Lipsett, Ron (Grey L)  
 Lupusella, Tony (Dovercourt L)  
 MacDonald, Keith (Prince Edward-Lennox L)  
 Mackenzie, Bob (Hamilton East NDP)  
 Mahoney, Steven W. (Mississauga West L)  
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 Marland, Margaret (Mississauga South PC)  
 Martel, Shelley (Sudbury East NDP)  
 Matrundola, Gino (Willowdale L)  
 McCague, George R. (Simcoe West PC)  
 McClelland, Carman (Brampton North L)  
 McGuigan, James F. (Essex-Kent L)  
 McGuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)  
**McLeod, Hon Lyn**, Minister of Colleges and Universities (Fort William L)  
 Miclash, Frank (Kenora L)



Miller, Gordon I. (Norfolk L)  
 Morin, Gilles E. (Carleton East L)  
 Morin-Strom, Karl E. (Sault Ste Marie NDP)  
 Neumann, David E. (Brantford L)  
 Nicholas, Cindy (Scarborough Centre L)  
 Nixon, J. Bradford (York Mills L)  
**Nixon, Hon Robert F.**, Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)  
**Oddie Munro, Hon Lily**, Minister of Culture and Communications (Hamilton Centre L)  
 Offer, Steven (Mississauga North L)  
**O'Neil, Hon Hugh P.**, Minister of Tourism and Recreation (Quinte L)  
 O'Neill, Yvonne (Ottawa-Rideau L)  
 Owen, Bruce (Simcoe Centre L)  
**Patten, Hon Richard**, Minister of Government Services (Ottawa Centre L)  
 Pelissero, Harry E. (Lincoln L)  
**Peterson, Hon David R.**, Premier and President of the Council and Minister of Intergovernmental Affairs (London Centre L)  
 Philip, Ed (Etobicoke-Rexdale NDP)  
**Phillips, Hon Gerry**, Minister of Citizenship (Scarborough-Agincourt L)  
 Poirier, Jean, Deputy Speaker and Chairman of the Committees of the Whole House (Prescott and Russell L)  
 Pollock, Jim (Hastings-Peterborough PC)  
 Polsinelli, Claudio (Yorkview L)  
 Poole, Dianne (Eglinton L)  
 Pope, Alan W. (Cochrane South PC)  
 Pouliot, Gilles (Lake Nipigon NDP)  
 Rae, Bob (York South NDP)  
**Ramsay, Hon David**, Minister of Correctional Services (Timiskaming L)  
 Ray, Michael C., Deputy Chairman of the Committees of the Whole House (Windsor-Walkerville L)  
 Reville, David (Riverdale NDP)  
 Reycraft, Douglas R. (Middlesex L)

**Riddell, Hon Jack**, Minister of Agriculture and Food (Huron L)  
 Roberts, Marietta L. D. (Elgin L)  
 Runciman, Robert W. (Leeds-Grenville PC)  
 Ruprecht, Tony (Parkdale L)  
**Scott, Hon Ian G.**, Attorney General and acting Solicitor General and minister responsible for native affairs (St George-St David L)  
 Smith, David W. (Lambton L)  
 Smith, E. Joan, (London South L)  
 Sola, John (Mississauga East L)  
**Sorbara, Hon Gregory S.**, Minister of Labour (York Centre L)  
 South, Larry (Frontenac-Addington L)  
 Sterling, Norman W. (Carleton PC)  
 Stoner, Norah (Durham West L)  
 Sullivan, Barbara (Halton Centre L)  
**Sweeney, Hon John**, Minister of Community and Social Services (Kitchener-Wilmot L)  
 Tatham, Charlie (Oxford L)  
 Velshi, Murad (Don Mills L)  
 Villeneuve, Noble (Stormont, Dundas and Glengarry PC)  
**Ward, Hon Christopher C.**, Minister of Education (Wentworth North L)  
 Wildman, Bud (Algoma NDP)  
**Wilson, Hon Mavis**, Minister without Portfolio (Dufferin-Peel L)  
 Wiseman, Douglas J. (Lanark-Renfrew PC)  
**Wong, Hon Robert C.**, Minister of Energy (Fort York L)  
**Wrye, Hon William**, Minister of Consumer and Commercial Relations (Windsor-Sandwich L)

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No. 44

# **Hansard**

# **Official Report of Debates**

## Legislative Assembly of Ontario

**Second Session, 34th Parliament**  
Wednesday 19 July 1989

Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 19 July 1989

The House met at 1330.

Prayers.

## VISITOR

**The Speaker:** I would ask all members of this assembly to recognize in the Speaker's gallery, from New South Wales, Australia, a member of the legislative council, the Honourable Helen Wai-har Sham-ho. Please join me in welcoming our guest.

## MEMBERS' STATEMENTS

### WITNESS PROTECTION PROGRAM

**Mr Kormos:** I wish to comment on the report in the Sunday Star of the Montreal hood and child molester who has been the beneficiary of Ontario's witness protection program.

The community understands that in the course of detection and prosecution of crime and criminals, the police must use all the lawful resources available to them. Indeed, it has been said that the Marquis of Queensberry rules cannot be applied to the investigation of crime. The community is prepared to accept that persons must occasionally benefit from witness protection programs. Such persons can provide evidence and give testimony that would otherwise not be available.

But in the case of Robert Héту, we have a drug trafficker who testified against his own assailant when Réal Simard was properly prosecuted for the attempted murder of Héту. Héту, we are told, was in a witness protection program with a new identity and income to support himself. In this new identity, Héту molests young girls, sexually abusing them, victimizing children as young as seven years. He has been released on modest bail, pleading guilty to four counts and continues to walk the streets, his sentencing having been adjourned till October.

People are of the distinct impression that Héту continues to receive special treatment because of his special status. The question to be asked is, when will we have set standards for witness protection? The Attorney General (Mr Scott) should act immediately to ensure that the witness protection program does not continue to protect criminals like Héту.

## HOSPITAL FINANCING

**Mr Harris:** Four years ago, the Ontario Progressive Conservative Party turned over the finest health care system in the world to the Peterson Liberals. It was not perfect, but it was one that was trusted and envied both here and around the world.

What a difference four years can make. Today, waiting lists, delays and broken promises are the order of the day. An \$850-million Liberal commitment to create 4,400 new hospital beds has now been exposed as nothing more than a cheap election ploy. When caught, the minister actually has the gall to tell the people of Ontario we now have too many hospital beds.

I am sure that will be of great comfort to my 74-year-old constituent who needs a complete right knee replacement. This lady, who is in constant pain, has been told the earliest an operation could be scheduled is December 1992, nearly four years from now.

Despite the well-documented treatment afforded by these pious Liberals to groups such as the Red Cross and other home care providers, the minister's lame excuse is that she is shifting focus from institutions to community-based health care. "People are telling me they don't want to be institutionalized," the minister thundered yesterday, "they want health care at home."

I am sure my elderly constituent has a kitchen table, if that is the minister's solution. Let's get on with it; I will call the doctor and the minister can bring the knife. Think of all the money she will save. Think of all the luxury hotels she and her Liberal colleagues can visit. Think of all the election commitments they will not have to honour.

Better still, why do they not just think?

## CHARITABLE GAMING

**Mr Faubert:** I, as well as other members, have been contacted by numerous Scarborough charities which raise much of their funds through the operation of bingo games. They have advised me of the difficulties they were having making their 20 per cent profit percentage due to what they identify as a saturation of the bingo market in Scarborough. As such, some charities which



have grown to rely on bingo nights for their funding were finding that attendance, and thus profits, was down due to the saturation.

In Scarborough alone, between the months of January and May 1988, the number of licensed bingo events per week grew from 20 to 35 while the number of bingo players in the Scarborough area remained relatively unchanged. From March 1987 to today, bingo halls have increased in number from 118 to 240 across Ontario.

Other problems have also emerged, such as increasing monopolization of ownership and pressures being placed on charities to transgress the requirements of their licences. In addition, concerns have been raised with regard to the very integrity of the charitable gaming market.

Clearly, decisive action was required, and I welcome the decision of the Minister of Consumer and Commercial Relations (Mr Wrye) to declare a moratorium on the licensing of bingos at new commercial facilities or halls. I look forward to the introduction of gaming services legislation to be brought forward later this year.

#### HOSPITAL FINANCING

**Mr Philip:** I would like to draw to the attention of the government some concerns that have been shared with me by friends who are members of Coronation Branch 286, Royal Canadian Legion. It is their understanding that studies are presently under way regarding the future of the psychiatric institute wing at Victoria Hospital. One of the options under consideration is the closing of the PI wing and transferring the veterans to other facilities.

The residents are veterans of the First World War and the Second World War. Many of them who have been residents since early post-discharge years identify the PI wing as their home. To remove them from their home would be traumatic, to say the least, but in my opinion, to do so without adequate lead time and professional counselling would be irresponsible.

Many of the residents we are discussing have risked their lives and have experienced considerable suffering in order to protect our freedoms. The Ontario and federal governments should therefore carefully consider the Royal Canadian Legion's stand opposing the withdrawal of adequate funding by the provincial and federal governments to refurbish and renovate the PI wing of Victoria Hospital. Both governments should make a commitment that these veterans will continue to be accommodated in the dignified manner they so rightly deserve.

**Mr McLean:** My statement is directed to the Minister of Health (Mrs Caplan) and concerns one more in a series of broken promises from her government.

In the spring of 1986, her predecessor announced the allocation of approximately \$850 million in capital funds for the creation of 4,400 hospital beds province-wide. At that time, about \$400 million was to be doled out to the central-east region of Ontario, which includes Simcoe county, for 1,557 chronic care and 748 acute care beds which are desperately needed in this area.

We have now discovered from the ministry's statistics project that only 300 of the 4,400 promised beds will be in place by the 1990 target date.

#### 1340

It is extremely unfair for the minister to encourage Ontario's hospitals to plan for the future when her government continues to pull the rug out from under them. A case in point is the Orillia Soldiers' Memorial Hospital, which raised more than \$7 million in a public fundraising campaign after her predecessor gave the hospital board permission to proceed with a major redevelopment project and after she said she would consider approving the construction of a completely new second campus in Orillia.

The minister has kept the Orillia Soldiers' Memorial Hospital board of directors dangling over whether or not it can proceed with the construction of a second campus and now she is reneging on her government's promise to allocate more desperately needed chronic care and acute care beds in Simcoe county. As I said earlier, hospitals cannot plan for the future when her government continues to pull the rug out from under them.

#### EASTERN ONTARIO TRANSPORTATION

**Mr Morin:** I want to share an announcement made yesterday in my constituency of Carleton East. Together with the Minister of Transportation (Mr Fulton), I was pleased to release details of the government's commitment to transportation in eastern Ontario.

In my riding, businesses and residents will benefit from the commitment of 50 per cent funding for the construction of the Blackburn-Hamlet bypass. At a total cost of nearly \$35 million, the bypass will improve safety and reduce congestion on and around Innes Road.

The Minister of Transportation also committed an additional \$60 million to the improvement of the Tenth Line in Cumberland. These an-



nouncements, together with the accelerated construction schedule for Highway 416 and other initiatives, bring to \$314 million new transportation investment in eastern Ontario over the next five years, this in addition to the more than \$130 million invested annually in Ottawa-Carleton.

These projects are the result of a lot of work on the part of local officials, community groups and business associations. The contribution of the Gloucester Chamber of Commerce was extensively noted by the minister. The chamber helped to make the economic case for the bypass. They and all of those who worked on this project deserve the thanks of the community.

This initiative illustrates this government's commitment to creating a safer community for Ontario citizens.

### ONTARIO NORTH NOW

**Mr Laughren:** On 31 May I wrote a letter to the Minister of Tourism and Recreation (Mr O'Neil) asking him what in the world was going on at Ontario Place. In years gone by, the northern Ontario pavilion at Ontario Place, known as Ontario North Now, has sold goods produced in northern Ontario. After this government came to power, it changed that policy and has now contracted out the whole operation of the gift shop at Ontario North Now to International Cigar Stores Ltd. From that point on, northern Ontario producers and manufacturers have been given short shrift by this government.

It is time, first of all, that the minister responded to my letter asking him what in the world was going on at Ontario Place and, second, that they reverted to the old policy.

### STATEMENT BY THE MINISTRY

#### CANCER TREATMENT

**Hon Mrs Caplan:** I am very pleased to announce today the addition of several enhancements to Ontario's services for cancer treatment and research. These are in line with my ministry's emphasis on cancer care as a program speciality area initiative.

First of all, I am announcing the formation of a new agency to co-ordinate cancer services across the province. The Ontario Cancer Control Agency, OCCA, will be the largest agency of its kind in Canada and one of the largest in the world.

It is our expectation that the OCCA will strengthen Ontario's existing cancer care network. It will co-ordinate our cancer services and act as an adviser on funding priorities. The new agency will direct the efforts of both the Ontario

Cancer Institute and the Ontario Cancer Treatment and Research Foundation. The OCI operates Princess Margaret Hospital and the OCTRF runs eight regional cancer centres.

The OCCA will undertake its very crucial role when a new Cancer Act, to be introduced later this year, becomes law. The act will outline the agency's role and responsibilities.

I am also announcing today a new 12-bed paediatric oncology program at Chedoke McMaster Hospitals in Hamilton for regional cancer treatment of youngsters. It is scheduled to open later this summer. My ministry is providing a one-time developmental grant of \$576,000 for this project, to be followed by \$1.9 million in annual operating funds.

Also in Hamilton, we are providing the Ontario Clinical Oncology Group with \$450,000 to research new methods of cancer treatment and prevention. This amount will be provided over three years.

Earlier this year, I announced plans to establish a \$5-million province-wide breast screening program for cancer. Dr. Carl Zylak of Chedoke McMaster's department of radiology has been appointed to head the program.

We are also expanding our regional cancer treatment centres. The Windsor Regional Cancer Institute is to receive \$800,000 to expand its chemotherapy facilities. With this funding, the centre will be able to handle an additional 200 cancer patients annually, for a total of 800 per year. The Thunder Bay Regional Cancer Centre will receive \$2 million in capital funding for facilities to handle an additional 100 patients annually, to a total of 600 per year.

As I mentioned, this expansion of cancer services is part of the ministry's concentration on speciality care. I have recently announced initiatives in cardiovascular care, dialysis, acquired immune deficiency syndrome, maternal and newborn health, and emergency and trauma services. With the new cancer expansion, we are continuing a commitment to this area undertaken earlier this year.

### RESPONSES

#### CANCER TREATMENT

**Mr Reville:** This is one of the long-awaited announcements from the minister on enhancements to Ontario's services for cancer treatment. First, I should say that the minister shared with the Health critic for the Progressive Conservative Party and with me some time ago her intention to form a new cancer service co-ordination agency. At that time, we were advised legislation would



be forthcoming to do that. I am not at all clear, from the minister's announcement today, whether we will be seeing legislation or not.

Clearly, the co-ordination will be a useful kind of exercise, although "co-ordination" has become a kind of buzzword for this ministry, and we see the appearance of co-ordinators everywhere. It is part of the matrix notions of the deputy minister. As far as people on the street are concerned, the co-ordination does not appear to have had any real effect at all.

The \$450,000 for research into cancer treatment protocols really is \$150,000 a year, and that buys a very tiny amount of research in these markets. We see an increase in capacity of about a third in Windsor and about a fifth in Thunder Bay. Clearly, those increases will be welcome in those areas, but we know that across the province the facilities for cancer treatment and the health personnel who do the cancer treatment are taxed beyond belief. Until this ministry begins to deal with the question of beds, the question of equipment and the question of health professionals, particularly technologists, we will continue to be offering second-rate cancer treatment in this province.

**Mr B. Rae:** I am delighted to be able to respond to the minister's statement. The issue before us has several dimensions. We are, as all the industrial world is, in the middle of a virtual epidemic with respect to cancer. I see nothing in the minister's announcement about any steps on prevention. I see nothing in the minister's announcement saying the government is going to be producing state-of-the-art regulations on pesticides or regulations with respect to the environment or, indeed, some really effective action with respect to smoking, both on the tax side and in terms of other laws which are vitally necessary to stop the spread of smoking.

**1350**

When it comes to treatment, my colleague the member for Riverdale (Mr Reville) has already said very clearly that despite the minister's announcement, there are many patients who are going to be lined up in corridors and whose treatment is going to be delayed for the simple reason that the technologists and the facilities are not available. If the minister thinks the treatment that is provided in some of our hospitals today is as good as it could be or as good as the hospitals want it to be, then I think the minister needs to think again.

The final point is this—and I want to really emphasize this—the minister talks a lot, and indeed her colleague the Minister of Community

and Social Services (Mr Sweeney) talks a lot, about getting health care into the community and at home. I can tell the minister that from my experience, one of the greatest troubles that long-term cancer patients still have is with inadequate home care, inadequate delivery of services at home for them and the dilemma they face as patients when they are discharged from hospital, many of them in a very weakened condition. They are not getting the kinds of services at home that they need.

This government talks out of both sides of its mouth. It has talked about home care for the last four years but that care is still not being delivered; it is still not there. There are a great many patients who are living alone, in great isolation, with a great deal of difficulty and in enormous pain. They are not receiving the care and attention from us and from the health care system that they should be, and that needs to be said.

There is nothing in this announcement on prevention of this epidemic which has affected so many people. There is still inadequate treatment because of the general problem of the crisis in hospital beds, because of the lack of attention on the question of nurses and the question of technologists, and we still have the broader problem of care at home.

**Mr Eves:** I would like to respond to the minister's statement in the House this afternoon.

There was a meeting, as the member for Riverdale has said, between the minister, herself and myself several months ago. I do, indeed, appreciate the opportunity the minister gave us to discuss the entire matter of cancer care across the province and I do support the statement she has made in the Legislature this afternoon. There are a couple of things I would like to see in the statement that are not there, but I have nothing adverse to say whatsoever about the statement itself.

We do need extra treatment in eastern Ontario and in northeastern Ontario, in particular. The cancer treatment centre in Sudbury, which is supposed to serve northeastern Ontario and hopefully will come on stream some time in late 1990 or early 1991, hopefully will alleviate that problem. I do say "hopefully" because we are in need of medical research personnel. We have brought that matter to the minister's attention and to the attention of the College of Physicians and Surgeons of Ontario on several occasions. I do understand there is some progress being made with respect to having Dr Ho make his way to



Ontario and indeed to the cancer treatment centre in Sudbury.

Also, numerous other problems have been brought to our attention in the meantime with respect to radiation treatment, in particular the shortage of radiotherapy technologists at Princess Margaret Hospital. Because Princess Margaret Hospital normally has been servicing those people from eastern Ontario and north-eastern Ontario, there is still a shortage of treatments that are able to be performed. Many of these are of crisis proportions to the individuals who are not receiving treatment.

I do understand that there have been efforts made through various agencies to accommodate around 200, I believe the number is, of those patients. But that still leaves, depending on whose estimation you take, anywhere from about 600 to 800 cancer patients a year who are not being treated adequately now because of lack of services in eastern and northeastern Ontario.

I would certainly urge the minister and the ministry to work with Princess Margaret Hospital because I know they are trying to recruit radiotherapy technologists in Europe—I believe this week or last week, if I am not mistaken—and they will be coming back to the minister to look for funding if they are able to find qualified personnel.

I think we should also be looking at overall manpower planning with respect to this entire field so we can ensure that in future years the province of Ontario can produce these radiotherapy technologists and other people in the health care field so we will not have to be going on junkets—"junkets" perhaps is the wrong word—journeys to Europe to look for qualified people and try to pay them or lure them back to Ontario, which would seem to be really our only answer to a very serious problem for a great many people in the province right now.

The last comment I would like to make is I think that if there is one area in which we in Ontario do fall down with respect to cancer treatment, it is palliative care. I have had several health professionals in the cancer field tell me over the last few months that in the area of palliative care Ontario indeed lags far behind some other jurisdictions. I would just bring that matter to the minister's attention and hope that she would take that under advisement, as well.

## ORAL QUESTIONS

### WASTE MANAGEMENT

**Mr B. Rae:** I want to return to the question of the plans that the government has or does not

have for the disposal of garbage in southern Ontario. This problem is an enormous one. Its importance is tremendous. Its consequences for public planning are equally great. My question to the Premier is this:

There is some confusion caused by various statements that he has made as to exactly what it is that the government has in mind or does not have in mind. In the statement that was released by the meeting of the regional chairmen which was chaired by the Premier back on 14 March 1989, when it outlines in appendix B the various criteria for the bid that the contract will be subjected to, it states, quite specifically, on page 9 of appendix B: "All capital costs to be provided by the private sector." This confirms the view which was apparently expressed by the Premier in private according to minutes that that is what he favoured, as well.

I want to ask the Premier if he is really serious in saying that he thinks that a public sector answer is possible. I understand there are statements where he also says that. How does he square that with the clear statement in the price proposal put out by the Metro chairman back in March that all capital costs would in fact be provided by the private sector?

**Hon Mr Peterson:** I do not think there is any sort of discrepancy about our view in this matter or how we proceeded from the beginning in a totally open way. We take a co-ordinating position in this whole matter. It is the responsibility of the regions. As the member knows, they are going through a couple of stages in their thinking through these matters because our approach has not historically been taken in this province. We do not have any preconceived ideas except that we think that there is a better idea if it is all co-ordinated. There may be, shall I say, a mega-solution taking into account a number of regions. There may well not be because each of them have their own landfill problems, as my honourable friend knows.

What is going to happen is that they are going to put out to the public an indication of expressions of interest. Some people may have some expertise or some ideas to contribute in certain sectors of this entire project which is very, very large, as the member knows. It starts with a very strong public component which is recycling, an initiative of this government. It may lead to a request for proposals some time in the future. It may lead to a request from the regions to the provincial government to give it a special authority—shall we say a public utility kind of an approach to this matter. Those matters



are not settled at this point. It will come from the regions that have the authority.

I can say that the discussion in some ways is in its infancy because it is out for wide public discussion. The member has watched various regional councils and chairmen give their own views on the matter. He may have views on the matter.

**The Speaker:** Order. Supplementary.

**Mr B. Rae:** That is not what the Premier said back in March. That is not at all what he said back in March and that does not square with the fact that a deputy minister of the Premier's government, Mr Church, is a member of the committee, a very active member of the committee; that this government has financed the committee up until very recently, and that all the staff work is done by civil servants and by the bureaucracy reporting to this government.

These are all facts. The Premier cannot suddenly step away from this thing because it is getting too difficult or too hot. It is there. The Deputy Minister of the Environment is attending those meetings as well.

1400

I want to ask the Premier, when discussing the nature of the bid that will be asked for, what is the position of the government of Ontario, represented by Mr Church and Mr Posen on that committee and, according to the Premier's own timetable, when the call is coming very soon?

**Hon Mr Peterson:** As members opposite know, that timetable already has been changed by the regional chairmen who have introduced a stage called "expressions of interest" that will be coming up some time in the future. It is all there. It is in their hands, not our hands. The member is getting so excited.

**Mr B. Rae:** You're in this together.

**Hon Mr Peterson:** Look, I am not walking away from this thing, by any stretch of the imagination. The member has misunderstood this thing from the beginning and continues to do so. I find it very difficult to explain something to him that most people understand and do not find particularly worrisome.

**Mr B. Rae:** This process and detailed plans with respect to the disposition of garbage have been on the Premier's desk for over a year. So he should not come into this House and pretend he does not know anything about it, or that he is just sitting around and it is all news to him.

The Premier's government is involved in this thing up to its neck, and that is the reality. I want to ask him, what is his position with respect to the

handling of this garbage? We have models south of the border where we know precisely what the problems are in the United States with respect to the disposition of garbage. We have good public sector models.

I want to ask the Premier, is he going to stand up for the public sector and protection of the consumer, or is he going to see it go off to the private sector and the investors who have such a stake in seeing that it is run for a profit and not for public interest? That is the issue before us.

**Hon Mr Peterson:** My old friend is dragging up his socialist rhetoric from 1915 and has not sort of progressed from that. He has an ideological hangup. That is his problem and he is welcome to it.

I say to him again that the decision will be made by the regional councils and regional chairmen. They will put forward to the province their views on the matter. They have the power and authority, not us. Yes, we have people there co-ordinating, working with them and bringing them together, which, the member may or may not know, is rather revolutionary in some ways around here. That is our role.

The member understands, and I repeat again, that the province does not have the power to make those final decisions, but we will work with the regions to try to find a co-ordinated solution. To me, that makes such elementary good sense and is so basic and obvious that I am not sure why my friend opposite is having any trouble understanding it except, perhaps, that he lives in an ideological straitjacket that does not allow him to see these things for what they are.

#### AUTOMOBILE INSURANCE

**Mr B. Rae:** Now that we are on the subject of straitjackets, I wonder if I could ask the Premier a question about automobile insurance, where this government has had so many clear plans over so many years with respect to dealing with this issue. It is now perfectly clear, after so many months and indeed years of study, that the government has no plan and no proposals to deal with the insurance crisis in this province.

I wonder if I could just take the Premier back to the statement he made back in September 1987 when he said, "We have a very specific plan to lower insurance rates."

I wonder if he can tell us—it did not come from the Minister of Industry, Trade and Technology (Mr Kwinter), from the Honourable Mr Justice Osborne and it has not come now from the Ontario Automobile Insurance Board, which has told us that no-fault insurance is not the magic



answer that some people told us it was—just what his plan is now to lower insurance rates? He has been talking about it for five years.

**Hon Mr Peterson:** I think the honourable minister can help my friend out.

**Hon Mr Elston:** The honourable gentleman has indicated that there is no particular magic to any particular item that has been referred to the board. I think I can agree with him on that point.

In fact, our very comprehensive study of the insurance field is continuing apace, and in fact we use the particular study results to assist us in crafting a product which will respond to the needs of the driving public in Ontario and those who are injured by automobile accidents, in a way which is socially responsible.

This happens to be another piece of material which we can use to craft a very socially responsible program for delivery here to this Legislature.

**Mr B. Rae:** In case he has forgotten, let me remind the minister that on 23 April 1987 his predecessor announced that rates would be capped. That was thrown out the window. The cap fell off as soon as the election was over. Then in September the Premier said, "We have a very specific plan." That plan went out the window the day after he got his majority government. Then he said he was going to have a freeze. That freeze came off on a basis.

Then they said they had the answer in their own legislation. They brought in the legislation; the minister who is now the Treasurer (Mr R. F. Nixon) said it was the magic answer. He said that anybody who thought the rates would go up dramatically as a result or that it would guarantee the profit of the insurance companies was all wrong, and that is exactly what happened. Then the insurance board put the rates up, some as much as 30 per cent; the minister said that we did not know what we were talking about then.

I want to ask the minister: When is he going to recognize that the people in this House who do not know what they are talking about when it comes to insurance rates form the Liberal government of Ontario? They have blown it and left the drivers in the province out in the cold.

**Hon Mr Elston:** The honourable gentleman, for the purposes of allowing the public to be thinking something that is not correct, is again wrong. He is absolutely wrong. He knows that we are working along and indicating that a comprehensive approach to a number of the issues which inspire losses in the insurance industry is the way we intend to proceed.

We have, in fact, been working right along in conjunction with the Premier's undertaking to deliver a good, socially responsible product for the benefit of the driving public in Ontario. That plan is coming together. That plan has been advanced by the study of the auto board. That plan has been advanced by the background material from other studies, and I guess it would be helpful if the Leader of the Opposition were to pay attention.

But, of course, he is not interested because he is locked into that ideological straitjacket about which my leader spoke just a couple of moments ago. They have blinders on. They feel that they cannot sustain their credibility in the community except by promoting only and solely public insurance, which they say has a magic that will—

**Mr B. Rae:** What are you promoting, Murray? What's your answer? Give us your plan, genius man.

**The Speaker:** Order.

**Mr Kormos:** Hundreds of thousands, perhaps millions, of dollars later, we have yet another report. It is the no-fault report, the one that was heralded. What it has told us is that there are not going to be any meaningful savings to drivers as a result of no-fault; that there is not going to be a reduction in benefits; indeed, that it is likely to generate an increase in the incidence of automobile accidents here in the province.

There is no specific plan to reduce premiums in the province. There is a plan to reinforce the interests of private auto insurers. That is clear because of the restrictions that were imposed on the board. Let the minister tell us now, knowing all these things, the board having told them that no-fault ain't going to work and is not going to solve the problem; it is not going to generate affordability for drivers in this province—

**The Speaker:** I am waiting for the question.

**Mr Kormos:** What is he going to do now in view of the fact that he has blown this one too?

**Hon Mr Elston:** I like the idea of using props in the Legislative Assembly. Please, let everybody note, that if one joins the NDP lottery, one can win something by becoming a member. Those guys have blown it too, because they have no idea of policy. They have not got anything that politically would really ever sustain them in attracting new members.

The reason is they think that because there is a report, that is the entire world. As I clearly said to the press and to the public, we have used that, with respect, as one part of our analysis of a very complex industry. We will continue to move



forward with our plans to provide socially responsible and affordable insurance products for the people in the province.

I cannot possibly convince the group that is in favour of nothing more or nothing less than public insurance to look at other credible alternatives. They refuse to do that and what they want to do instead is offer a lottery, a chance to win for life, if people will join their party; not because of policies, because that, of course, they do not and are not able to promote in any sensitive—

**The Speaker:** Thank you. There are other members who would like to ask questions.

1410

**Mr Brandt:** The turkey sales of our party are beginning to look better all the time.

Interjections.

**The Speaker:** And the question?

**Mr Brandt:** My question, and I do have a question, is for the Premier. The Premier, as well as many members of this assembly, from time to time feels that he is perhaps dealt with unfairly by those who report on the affairs of this Legislative Assembly and during the course of election campaigns and other activities.

I wonder if the Premier could indicate to this House whether on 7 September 1987 he said, "We have a plan to lower auto insurance rates." Did he say that?

**Hon Mr Peterson:** I never disagree with the press. I assume that they quoted me accurately, as they always do.

**Mr B. Rae:** He has a specific plan to reduce garbage rates too.

**Mr Brandt:** I do not want to deal with garbage. That is the member's subject.

I want to deal, if I might, with the Premier in connection with this whole question of auto insurance rates. When one makes a statement and is quoted, I assume that statement, unless challenged, is correct. If the Premier in fact had a plan to lower auto insurance rates, somehow or another the thrust of that particular program has escaped us in opposition.

We look with some interest at the meanderings of the minister, the Chairman of the Management Board of Cabinet (Mr Elston), as he talks about lotteries and various and sundry other things in response to specific questions about where we are going in this province relative to auto insurance. I can tell members that this party is not caught up in any kind of an ideological strait-jacket.

**The Speaker:** Could you meander into a question?

**Mr Brandt:** We are quite prepared to look at any reasonable response with respect to this industry. But we cannot accept—Mr Speaker, I will get to my question—the fact that insurance companies are folding up and leaving this province in droves because of the types of plans that the Premier is bringing forward.

**The Speaker:** Could you pause for a moment? Premier.

**Hon Mr Peterson:** The member can see that a lot of auto insurance initiatives have already been taken. He has seen the board that has been set up, and a lot of things have been discussed in this House.

**Mr Wildman:** The rates keep going up.

**Hon Mr Peterson:** Well, the price of milk goes up; there are lots of things that go up over a period of time. The member may not understand this, but there is such a thing as inflation. The price of a lottery ticket goes up.

Interjections.

**The Speaker:** Order.

**Hon Mr Peterson:** I will tell my friend that the price of turkeys is going up. These things are a reality. I can tell him that I think it has been controlled in a very responsible way over the last few years that we have had the responsibility for protecting the consumer. The minister, as the member knows, has a report in his hands that he is reviewing and that cabinet will review in the not-too-distant future. We will share those views with the member. If he has any views on the matter, we would be delighted to hear them.

The member is right that some insurance companies have altered their coverage, but as I understand it, there is something like 170 insurance companies in this province. It still is a large and relatively free market. Our friends opposite do not want it that way, and if the member has got a view on the subject, I would be delighted to hear it.

**Mr Brandt:** I appreciate the lesson on economics from the Premier relative to the increase in the price of milk. That is relevant to insurance in the context, I would have to say, of his comments that he was going to lower insurance rates. If he wants to justify them, then he should stand up and justify them.

The fact of the matter was that on 7 September—I know that is a long time ago in past history and one's memory tends to cloud over during those hectic days leading up to the election on 10 September. Where is the promise

that the Premier made in Cambridge, just one hour removed from where we sit at this particular point in time, to lower insurance rates? Not to raise them, not to scare insurance companies out of the province, but to lower rates. That was the Premier's commitment and that is the commitment we want to see him stand by.

**Hon Mr Peterson:** I have told my honourable friend that a number of initiatives have been undertaken in the last few years. He may not like them. I think his approach, as I understand it—and there is a difference—was to do nothing. We responded to the needs of the consumers.

Interjections.

**Hon Mr Peterson:** The approach of our friends opposite, like their traditional approach in everything, is to say, "If it moves, nationalize it." I understand that. The whole thrust of all their questions is that the state should do everything.

I can tell my honourable friend that we have taken a responsible, regulatory view. The minister has shown great leadership on these matters, and I think even the member has to agree with that. Now it is in the hands of a report that has been publicly reviewed by the independent commission that gives independent statistics on this.

I want to tell my honourable friend something: Prior to the creation of the Ontario Automobile Insurance Board, there was no independent assessment of the numbers that were available. Our friends opposite would stand up every day in the House and say the insurance companies were making billions and billions of dollars and ripping everybody off. They would stand up and say the companies were losing money and they were all running out of the province.

What we now have are the facts on this matter, and I can tell my honourable friend that is a very significant step forward from where either of them are today.

**Mr Brandt:** If a significant step forward is a proposal for 60 per cent increases, such as came in from the Ontario Automobile Insurance Board, the Premier can have his plan. We will come up with a better one.

#### HOSPITAL FINANCING

**Mr Brandt:** My question is to the Minister of Health. Yesterday, we did in fact explore with the Minister of Health the now abortive announcement of May 1986 relative to the \$850 million in capital expenditures, the proposed 4,400 beds and the broken promise as it relates to that particular program. I want to remind the

minister that some 3,000 of those 4,400 beds were in the chronic care category.

I wonder if the minister could tell me, according to her statistics out of the Ministry of Health, how many people are waiting for chronic care beds in Ontario and what the present waiting list is at this point in time. Those are my questions, but I say to her—I am trying to be helpful—that the Minister of Health of the day, the present Minister of Financial Institutions (Mr Elston), said that the waiting period in May 1986 was two years. What is it today?

**Hon Mrs Caplan:** Individuals are receiving varieties and levels of care in many of our different institutions. They are also receiving varieties and levels of care in alternative settings, such as their homes. We have expanded our home care provisions to acknowledge that many services today can be provided in homes.

As I travel the province, the advice that I am seeking and that I am hearing from every quarter of this province is that we should be focusing on people, on the services that they need and all of the places that new technologies will allow us to deliver those services, rather than simply focusing, as the member's party did in the past, on bricks and mortar and buildings. We focus on people.

**Mr Brandt:** In 1986, the government made a point of bragging about the fact that it was the largest capital commitment in the history of Ontario; that was bricks and mortar.

**Hon Mr Peterson:** It is still true.

**Mr Brandt:** The commitment has been totally broken. Do not say it is true. The commitment was never fulfilled.

I ask the minister two specific questions: How many chronic care patients are on the waiting list today and how long does it take to get into chronic care facilities?

**Hon Mrs Caplan:** What is really important in this discussion is that we acknowledge that those people who are in need of chronic care services, which may be the highest level of care, will have access to them under the new level-of-care funding in the most appropriate place. Therefore, we are committed to meeting the real and changing needs of our communities. We want to acknowledge the people who require that service and know that they can receive that service on an inpatient, outpatient and ambulatory basis.

I can tell the member that, in fact, as we review our capital plan and significant capital dollars are expended on an ongoing basis to make sure that we meet the capital needs and that we establish



our priorities very clearly in meeting those needs, we want to make sure that it is the appropriate care in the appropriate place.

The new policy which is being developed jointly between the Ministry of Health and the Ministry of Community and Social Services for a long-term care strategy, which will respond to the needs that people have and the opportunities that we have to provide those in alternative ways, will be significant. We have the highest rate of institutionalization in the western world, and people across this province are saying to me, "Help me stay in my home as long as possible."

1420

**Mr Brandt:** I am astounded to hear that the Minister of Health has no idea of how long the waiting period is, nor does she have any idea of the complexities relative to the numbers of people waiting at the moment for entry into chronic care facilities.

I will try another question with the minister. The minister is well aware that up to some 20 per cent of all patients who are presently in acute care beds in hospitals are chronic and could be moved into chronic care beds if the beds were available.

Perhaps the minister could share with us this number: How many patients who could be receiving chronic care services from our health care system are presently occupying acute care beds in our hospital system, and if they were moved into other facilities, how many beds would that free up for acute care treatment that is necessary?

I ask that question because the Ontario Medical Association—

**The Speaker:** Thank you.

**Mr Brandt:** All right.

**The Speaker:** You asked it because it is question period.

**Hon Mrs Caplan:** The leader of the third party raises what I think is a very significant issue, and that is what services we provide in what location. I have been told by physicians that up to 50 per cent of the services presently provided on an inpatient basis could be provided on an outpatient and an ambulatory basis.

We hear talk all the time of new equipment to allow us to do things on an outpatient basis which formerly could only be done on an inpatient basis, so it is now focusing on the people who receive those services, which I believe are the priorities.

I am proud to tell the member that since 1984-85, until the end of 1988-89, some \$988 million in capital has been expended by the

Ministry of Health, greater than the printed estimates for that period, to respond to the capital needs to support the service requirements.

We know that beds are not the benchmark of services and that the facility must be built appropriately. The only opportunity we have is before the shovel goes in the ground. We are not focusing simply on bricks and mortar and beds. Our facilities should meet the appropriate need and we want to expand community-based services so that people will have access to those services where they want them, and that is in their homes.

## RETAIL STORE HOURS

**Mr Philip:** I have provided the Minister of Labour with a copy of the Retail Business Holidays Act for his easy referral in answering my question, and I refer him to subclause 1(a)(x).

Will the Minister of Labour assure the House that any municipality which has used this section and declared Civic Holiday by proclamation of the Lieutenant Governor to be a holiday for the purposes of the Retail Business Holidays Act can rely on this government to see that the large retail stores are closed on that day and that employees do not have to work on 7 August of this year?

**Hon Mr Sorbara:** First of all, I want to thank my friend for a copy of the bill. I am not sure that he quoted it exactly as it reads in the legislation, so I will do that.

This is the section, by the way, which sets out what shall be public holidays in Ontario. That is important, because the Retail Business Holidays Act applies to public holidays, as does the requirement to pay holiday pay and that sort of thing. Subclause (x) says, "Any other public holiday declared by proclamation of the Lieutenant Governor to be a holiday for the purposes of this act."

I do not see any reference there to a municipality proclaiming a holiday for the individual purposes of a municipality. What it says, in clear language, is that if the Lieutenant Governor in Council declares a public holiday to be a public holiday, it will, by reference, be included in this act and be a holiday for the purposes of the Retail Business Holidays Act.

**Mr Philip:** Is the minister saying then that despite the fact that a majority of municipalities have declared 7 August to be a holiday, under this act those municipalities will not have the ability of ensuring, and the acting Solicitor General and Attorney General (Mr Scott) and the Minister of Labour will not ensure, that the large retail stores are closed on Civic Holiday, 7



August? What is he doing to inform the employees and employers, if this is the case?

**Hon Mr Sorbara:** In a sense, I am doing precisely that, but I am also pointing out to my friend the member for Etobicoke-Rexdale that if he rereads the act, he will understand that each of the municipalities he is talking about has the option of deciding that for its purposes on that day there shall be no retailing. That was the whole thrust of the debate in here, that municipalities ought to have that right and that option to determine whether or not they are open on public holidays. They have the authority; that is what they are able to do.

### PROPERTY ASSESSMENT

**Mr Harris:** I have a question for the Minister of Housing. Municipal taxes on many apartment units in Metropolitan Toronto represent approximately four and a half months' rent.

Interjections.

**The Speaker:** Order. Usually I allow members to ask questions and then the response to come. Sometimes it is helpful if all members would do the same.

**Mr Harris:** Municipal taxes on many apartment units in Metropolitan Toronto represent about four and a half months' rent for the tax portion of their bill. This is up from two months' rent in the 1960s. In other words, many tenants could be paying approximately the same municipal taxes as are being paid by owners of \$200,000, \$300,000 and \$400,000 homes. There is no mention of this unfairness in the affordable housing statements, any of the policies the minister has released.

I would ask the minister, if she is really serious about providing affordable housing accommodation, why would she not deal with a tax inequity whereby if tenants in Metropolitan Toronto were treated through the assessment system the same as home owners, their rents could be reduced by the equivalent of up to three months or 25 per cent?

**Hon Ms Hošek:** I think it is appropriate for me to refer that question to the Minister of Revenue, who deals with matters of taxation.

**Hon Mr Grandmaître:** I think the honourable member is really mixing municipal assessment and municipal taxes. Municipal taxes, as the honourable member knows, are figured by multiplying the mill rate. That is what he is really addressing. I think he should be addressing his question to Metro Toronto, because it has been under the same assessment since 1940. Until they

resolve their reassessment situation it is difficult to give him a precise answer.

**Mr Harris:** I am astounded that the Minister of Housing is not concerned. She wants to lean on the municipalities to do everything else. Here is an opportunity where—

**The Speaker:** Thank you. Order. The honourable member knows that if the response comes from a certain minister, the supplementary should be directed immediately to that minister.

**Mr Harris:** Immediately to the Minister of Revenue, I am astounded that his colleague the Minister of Housing has not lobbied him, contacted him and said, "Will you not help us clear up this inequity in the assessment situation?" It is an issue that the minister has dodged ever since he has been in office. It is an issue that the Treasurer (Mr R. F. Nixon), when he was Minister of Revenue, promised to clean up. This is the whole market value assessment and the way assessments are done.

**The Speaker:** Your question?

**Mr Harris:** It is projected that if the trend continues, municipal taxes paid by tenants in privately owned apartment buildings of seven units or more will soon be equal to six months' rent. If these tenants were treated the same as home owners—

**The Speaker:** The question?

**Mr Harris:** —we could reduce rents in these units by up to \$2,000 a year. Why will the minister and his colleagues not move on this issue with the municipalities and provide fairness and an opportunity for affordable rents in the city of Toronto?

**Hon Mr Grandmaître:** I have received a letter from the regional chairman today congratulating this government on the efforts we have been making since the last municipal election. We are trying to resolve the Metro situation.

**Mr Cousens:** Who signed the letter?

**Hon Mr Grandmaître:** The regional chairman or Metro chairman.

I can assure the honourable member that the Minister of Housing and all the members of the Metro caucus are trying to resolve the Metro reassessment situation. We are working on it and we are very close now that Metro has decided to create a task force, and it will report back on 13 September. We are resolved that we will find a solution to the Metro situation.

1430

### POLLUTION CONTROL

**Mr Dietsch:** My question is to the Minister of the Environment. A just-released report by



Greenpeace calls for the Great Lakes jurisdictions to increase fines to polluting companies. I know my constituents are particularly interested in this issue, as my riding is bounded by two bodies of water in this system: Lake Ontario on one side and the Niagara River on the other side. Can the minister inform this House as to the progress of his ministry in the area of fines to polluters?

**Hon Mr Bradley:** I can do so, because it is an extremely important component of the program of the Ministry of the Environment to ensure that the laws in existence are enforced. In this regard, the member will recall that in December 1986 we increased 10-fold the fines that would be provided for judges to choose from for those in violation of Ontario's laws. In addition to that, members will recall that there is a provision for a jail sentence for those who are in contravention of our laws and that we have a provision for stripping away ill-gotten gains from those who have broken the law and gained a profit because of it. It is a very extensive piece of legislation.

Our enforcement activities have been so successful as to increase our prosecutions by in the neighbourhood of 400 per cent. Correspondingly, following behind that, our convictions have increased by some 300 per cent. We expect that is going to continue.

Fines levied in 1988-89 total some \$2,025,076, nearly double the previous year's total, so it is quite obvious that those in the court system are aware of the level of penalties—

**The Speaker:** Thank you.

**Mr Dietsch:** I know that from time to time in this House the opposition is not interested in the answers to these questions; none the less, these are important issues in my riding.

The Greenpeace report also demands that the Great Lakes provinces and states vigorously enforce the environmental legislation currently on their respective books. From time to time, it is important that we review the minister's accomplishments in this area. For the benefit of this House and the members of my constituency, would he please outline some of the accomplishments there have been with regard to the enforcement of this environmental legislation in Ontario?

**Hon Mr Bradley:** The credit goes to the investigations and enforcement branch of the Ministry of the Environment, which consists of people who are specifically trained in the field of environmental violations. I think that stricter enforcement and strong laws, in fact, have a very positive effect on the environment when they

diminish the chance of people taking the opportunity to violate the laws of Ontario.

I indicated the figures on convictions and prosecutions, but I want to indicate as well that while it is important to have strong laws, thanks to our environmentally sensitive Treasurer (Mr R. F. Nixon) the investigations and enforcement branch is strengthened. Under the three-year plan we are doubling the strength of that force to some 130. When you have that many people involved in enforcement, whether it is being out doing the investigations, whether it is doing the follow-up lab work that is absolutely necessary, or whether it is lawyers conducting cases in as vigorous and aggressive a manner as possible, all of these point to the fact that people who are thinking about violating the laws in Ontario know it is going to be extremely difficult.

**Mr B. Rae:** Get those kingpins. It's going to be a long, hot summer.

**Hon Mr Bradley:** Even though the leader, who is running a sweepstakes now for his party, it says here, is jabbering—

**The Speaker:** New question; the member for Hamilton Mountain.

#### ENERGY EFFICIENCY

**Mr Charlton:** I have a question for the Minister of Energy. The minister has had an opportunity to look at the study we released last week. The study details some of the roadblocks which impede the easy and orderly movement of efficiency measures and independent generation into the system and which therefore have limited the ability of those alternatives to supplement the Ontario system in a useful way.

Last year, the select committee on energy heard expert testimony which detailed again many of those roadblocks, and the minister's own studies that were done for the Ministry of Energy have detailed very specific aspects of those roadblocks to the implementation of efficiency and independent generation.

Can the minister tell the House what kinds of measures his ministry is looking at either to eliminate or to substantially reduce those roadblocks to future implementation of efficiency and independent generation in the electrical system in Ontario?

**Hon Mr Wong:** The honourable member's question is one which has been plaguing all the electricity energy players in Ontario for many years. We are talking not just about the private sector, the small generators and the large ones, we are also talking about, of course, Ontario's large utility, Ontario Hydro. We are also talking



about the government role, particularly at the provincial government level.

In answer to the honourable member's question, let me reiterate that the government has been working on a parallel generation policy paper and we hope to make it public very soon.

**Mr Charlton:** As part of the process of study which the ministry has been involved in, we understand the minister commissioned an update of the conservation supply curves and that the study is now ready. Can the minister tell us when we can expect to see that study released publicly?

**Hon Mr Wong:** I understand the keen interest which the honourable member and many others in Ontario have in seeing that study. Before answering the question, let me indicate that I had the opportunity the other day—and I thank the honourable member for giving me a copy of the report he commissioned. I was a little surprised, on the 5,300 megawatts, to notice that there was a 1,500-megawatt figure, therefore what we would call conventional energy efficiency.

As I have stated many times in this House, it has been the government's policy and it has also been our instruction and guidance to Ontario Hydro that it should get on in this area of energy efficiency, energy conservation, independent power generation. I am pleased to note that Hydro's targets are at least in line if not a little better.

But that is not the important thing. The important thing is that we see progress and results as soon as possible, because between now and the year 2000 and beyond, this province, which is growing very rapidly, is going to need electricity. So let me answer the honourable member's question by saying—

**The Speaker:** Thank you.

#### LANDFILL SITES

**Mr Cousens:** I have a question for the Minister of the Environment. Last month the minister was questioned by the member for Durham East (Mr Cureatz) and the member for Mississauga South (Mrs Marland) on the contingency landfill sites nominated by the greater Toronto regions for solid waste disposal. The minister said they would be subjected to a "full environmental scrutiny;" those were his words. He did not say, however, that this scrutiny would be under the provisions of the Environmental Assessment Act. I ask again: Will every contingency site in the greater Toronto area plan be subject to a full environmental assessment according to the Environmental Assessment Act?

**Hon Mr Bradley:** As has been indicated very clearly on many occasions, including when the regional chairmen have met, the first thing they look at is a long-term solution for the municipalities which would choose to join. The member's municipality, of course, has expressed some interest in that.

Any long-term plan out there for dealing with waste would come under the provisions of the Environmental Assessment Act, which would have to look at all the various alternatives. It is a long-term solution. There is plenty of time and I think we would want to see a comprehensive look at that through the Environmental Assessment Act.

**1440**

The GTA rules call for each municipality that participates to nominate a site as a contingency site; it may not be needed, it may not be used. We have indicated that there would be an Environmental Assessment Board hearing on that; that everything about that site would be given full consideration by the environmental assessment hearing board and that a decision would be rendered as a result of that.

**Mr Cousens:** The Minister of the Environment is having trouble getting the actual name of the Environmental Assessment Act on the record, because he cannot guarantee that these contingency sites will be subject to this act. He cannot guarantee this, because he has already told one of the regions involved, Peel, that its contingency site will not have to go under the Environmental Assessment Act but will only be subject to the Environmental Protection Act, which does not require the region to look for alternative sites.

In other words, the Minister of the Environment will be giving the contingency sites of all regions around Metro Toronto exemptions under the Environmental Assessment Act. My question is: Will the minister verify that he will be giving all contingency sites for the greater Toronto area plan exemptions under the Environmental Assessment Act?

**Hon Mr Bradley:** I find this a most interesting question coming from that member and coming from his leader, because all I have listened to for the last four years in Ontario in the Legislative Assembly is the leader of that party and some of its other members saying, "What are you people in Ontario going to do to help solve the garbage crisis in the greater Metropolitan Toronto area?"

The indication from the member's party is that nothing seems to get approved. His leader gets up and lists the fact that there are no landfill sites



approved and that the act is too tough and so on. Then the member gets up now and asks a question which implies that he wants it applied to everything. I have made it very clear and the regional chairmen have made it very clear. The long-term site is subject to the full provisions of the Environmental Assessment Act. The contingency sites, which are short-term solutions if they are required, are subject to a site-specific hearing under the Environmental Assessment Board, and the same rules will apply to each of the municipalities that nominate a site. That is what that party has asked for.

### HOUSING FOR SENIOR CITIZENS

**Mr Elliot:** My question is for the Minister of Community and Social Services. I was pleased to announce in June, Senior Citizens Month, an allocation on the minister's behalf of \$6.5 million. This allocation is part of phase 1 and 2 of an extensive renovation of Halton Centennial Manor in Milton. The initial renovation will put 150 extended care beds in place at a total cost of \$13 million. Our community in Milton is fearful that this announcement means the rated capacity of 370 beds in the manor is being cut to 200 beds. Would the minister comment on this possibility, please?

**Hon Mr Sweeney:** The honourable member has correctly indicated that the existing Halton Centennial Manor has a rated capacity of 370 beds, but he may also be aware of the fact that, because of the age of the building and the particular design of the building, in fact there are only 240 usable beds in that building. When we talk of down-sizing it to approximately 200, I think we have to use the 240 and not the 370. That is the first point.

The second point is that the \$13-million renovation project is designed to make the quality of life of the people living in that building superior to what it is at present, in terms of greater privacy, greater access to washrooms, dining rooms, lounges and things like that. But there are two phases to the project, and that is just the first phase.

The second phase is that, in consultation with the regional municipality of Halton, we are looking at the opportunities to provide a range of community supports and home supports for a number of other people. The member will be aware of the fact that while this home is located in Milton, the greater population growth is in the Burlington and Oakville area. We want to be sure that the range of service is distributed over the

whole region and not concentrated in just one area.

So there are two elements to it: there is the institutional element and there is the community element. We are going to deal with both.

**Mr Elliot:** I thank the minister for his comments. They should help alleviate the concern relative to the matter in Milton. It seems his ministry and the Ministry of Housing, though, have a shared responsibility in putting in place suitable and enough accommodation for our rapidly expanding seniors population.

What mechanism is now in place to ensure collaboration between the minister's ministry and the Ministry of Housing on important housing and social service projects such as the renovation of the Halton Centennial Manor in Milton?

**Hon Mr Sweeney:** There is no direct co-ordination between our ministry and the Ministry of Housing with respect to the manor itself. That is entirely the responsibility of our ministry. But there is a great deal of co-ordination between the Ministry of Housing and my ministry with respect to the community alternatives I spoke about before.

For example, the Ministry of Housing and ourselves are looking at ways in which we can co-operate with it with respect to existing seniors apartment buildings and provide a range of onsite supports in those buildings to the people who are living there at present.

Second, there is a range of co-ordination projects between the Ministry of Housing and ourselves, whereby the Ministry of Housing would provide new residential facilities and this ministry, once again, in co-operation with it and operating at the same time in parallel, would provide a range of support services for those people.

What we want to be sure of is that the elderly people in the member's region have the opportunity to make a series of choices, either in their own home or in a community setting or in an institutional setting; whatever is most appropriate. Either our ministry alone, or our ministry in co-ordination with the Ministry of Housing and in co-ordination with the Ministry of Health, will make that range of options available.

### SENIOR CITIZENS' SERVICES

**Ms Bryden:** I have a question for the Minister without Portfolio responsible for senior citizens' affairs. On 14 June she released a special report prepared by the Ontario Advisory Council on Senior Citizens called Ageing Together: An



Exploration of Attitudes Toward Ageing in Multicultural Ontario.

I congratulate the advisory council on the depth and comprehensiveness of this report based on widespread consultation with many ethnocultural groups. The report contains 70 recommendations.

As the report found that seniors from ethnic groups faced many of the same problems that other seniors face, I would like to ask the minister why her ministry is not doing more to get government action to meet the most serious ones mentioned, namely: affordable housing, home-makers and home care services, regulation of rest and retirement homes, access to health care and the income needs of seniors. Why is her ministry not getting more action on these serious problems?

**Hon Mrs Wilson:** The Ontario Advisory Council on Senior Citizens did wide consultations all across the province, met with more than 500 groups and individuals in many centres to discuss multicultural issues as they pertain to seniors.

The report the member mentioned, which has been released widely, contains more than 70 recommendations. Many of these recommendations deal directly with several ministries. All those ministries are now looking at those recommendations. I have received responses already from many of them. My intention is to meet then with a group of ministers to discuss how we can implement many of these recommendations broadly across government.

**Ms Bryden:** The report stressed that ethnic seniors need information on available services in formats other than in written English or French. What is the minister's ministry doing to increase the availability of interpreter services on a regional basis and to consider the needs of both literate and illiterate seniors, as well as to sensitize service providers of all kinds to the special needs of ethnic group seniors?

**Hon Mrs Wilson:** The Office for Senior Citizens' Affairs has been working with the University of Toronto in developing a guide called Ethnicity and Aging. Many of the issues that you present today are also in that guide, which has been circulated widely so that many of the care givers and care providers across the province can have their consciousness raised on the issues that you suggest are of concern to ethnic seniors.

We are also working with the Ministry of Citizenship to include our written documents for seniors in several different languages. This year

we added three more; next year we intend to do two more.

The specific area the member mentions has to do with providing resources in other than a written communication. I think that is quite appropriate. As I say, the recommendations are before us now and we are working with the other ministries. They are good recommendations, ones that we intend to follow up.

We have done a great deal. There is a great deal more to be done. I look forward to having the co-operation of my cabinet colleagues, as well as other interested members of the House in bringing that to an effective conclusion.

1450

#### ASSISTANCE TO FARMERS

**Mr Brandt:** I had hoped to ask this question of the Premier (Mr Peterson), but in view of his absence I will ask the question of the Minister of Agriculture and Food.

I have in my hand a copy of the 1987 advertisement leading up to the election. This full-page ad, as the minister will know, ran for that election, and I read the number of commitments that were made, one of which relates to free trade, and we know the Liberal promise to stop free trade did not work out all that well. The second promise was to provide 4,000 chronic and acute care beds. We have already heard the Minister of Health (Mrs Caplan) renege on that one. There were 102,000 affordable rental units promised by 1989; another failure.

The question that I have is in regard to agriculture. In that same ad, there was an indication that the minister was prepared to help farmers in financial crisis. I want to ask the minister, how can he possibly say that in 1987 he was prepared, and make a commitment to the people of Ontario that he is going to help farmers in financial crises when he is now refusing to go along with a federal-provincial program that will put \$150 million worth of assistance in the hands of Ontario farmers?

**Hon Mr Riddell:** That is not the case. In fact, we have been very co-operative with the federal government. I have written to Charlie Mayer and I have recommended the names for his committee, because it is a federal program. The drought relief is a federal program; no consultation with the provinces on the program whatsoever; no consultation about the cost of the program.

It is his committee that he wants to establish, but I did recommend names of Ontario producers who could well go on his committee. We have been co-operating.



**Mr Brandt:** The minister knows full well that every province but Ontario has already agreed to go along with the program. When he talks in terms of lack of co-operation, Ontario is standing by the side of the road watching the parade go by while farmers are going into bankruptcy in this province. Why will he not make a decision? Why will he not take some action and why will he not show some leadership.

**The Speaker:** There are three questions.

**Hon Mr Riddell:** Since we formed the government four years ago, we have increased the agricultural budget by 82 per cent, and if you talk in terms of direct payments to farmers to help out with their financial difficulties, we have increased the agricultural budget by over 100 per cent. We do not take a back seat to anyone from the standpoint of our commitment to the agriculture and food industry, and we are doing far more than our predecessors, the Tories, when they were controlling the reins.

#### COULTER FINANCIAL CORP

**Mr Daigeler:** My question is to the Minister of Financial Institutions. The minister will know that in recent days there has been an unfortunate development regarding financial institutions in the Ottawa area. As he probably knows, a major mortgage lending company has gone into receivership.

May I ask the minister what his ministry is doing to protect the investments that have been placed by many people in the Ottawa area in this company?

**Hon Mr Elston:** I thank the member for Nepean for asking the question. This is a very important issue in the Ottawa area and I have been in touch with all of the members from that area, in consideration of the very important nature of investments and how they are affected by this particular unfortunate set of circumstances. We currently have a team of people in Ottawa reviewing, in conjunction with others, including the receiver, all of the investment portfolios and going through those one by one to establish whether there is any softness in the assets, so that we then can inform people who have inquiries of us as to the status of their investments.

I can tell the honourable gentleman that in conjunction with that study we also will be doing a review of any regulation required with respect to the Mortgage Brokers Act, and further that as information unfolds, we will be responding to the specific inquiries coming from each of the members who have been representing the inter-

ests of their constituents to me in this very difficult situation.

### PETITIONS

#### WORKERS' COMPENSATION

**Mr Charlton:** I have a petition signed by 63 residents of the riding of Hamilton Mountain.

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"We urge the Liberal government to scrap Bill 162, An Act to amend the Workers' Compensation Act."

The petition goes on to detail a number of the reasons why Bill 162 should be scrapped. I have added my signature to the petition. I support its intent.

#### NATUROPATHY

**Mr Fleet:** I have a petition signed by 77 individuals resident in Ontario who apparently are patients of a naturopathic practice of Dennis O'Hara. This petition is properly addressed and says:

"Whereas it is my constitutional right to have available and to choose the health care system of my preference;

"And whereas naturopathy has had self-governing status in Ontario for more than 42 years;

"We petition the Ontario Legislature to call on the government to introduce legislation that would guarantee naturopaths the right to practise their art and science to the fullest without prejudice or harassment."

In accordance with the provisions under the standing orders, I have signed this petition.

#### WORKERS' COMPENSATION

**Mr Morin-Strom:** I have two petitions signed by 64 members of the Injured Workers Association of Sault Ste Marie, which read as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"Whereas Bill 162 is likely to result in substantial limits to benefits to injured workers; and

"Whereas Bill 162 will significantly limit assistance available to injured workers for retraining and re-entering the workforce; and

"Whereas Bill 162 will likely result in substantial additional costs to taxpayers since many injured workers will become recipients of government disability benefits and welfare assistance; and

"Whereas Bill 162 provides for more restricted rights to reinstatement in the workplace than already exist in Ontario under the Human Rights Code; and

"Whereas Bill 162 results in insecurity for the injured worker as to the benefits to which he will be entitled and the length of time he will be entitled to such benefits by extending an already existing and unjustifiable amount of discretionary power upon the board with respect to interpreting the Workers' Compensation Act and setting policies around the administration of that act,

"We, the undersigned, hereby call for the immediate withdrawal of Bill 162 and for a human and well-reasoned approach to assisting injured workers to return as active members of the workforce and to adequately compensate those who are unable to return as a result of work-related injuries."

I have affixed my signature to these petitions and ask the government to act on them today.

1500

#### TEACHERS' SUPERANNUATION

**Mr D. W. Smith:** I have a petition to His Honour the Lieutenant Governor and the Legislative Assembly of Ontario. It is signed by 21 people from the Sarnia-Lambton area.

"We, the undersigned, petition the Legislative Assembly to insist that the Treasurer of Ontario enter into negotiations with the Ontario Teachers' Federation which will lead to a settlement equitable to teachers."

I will affix my name to the bottom.

**Mr Epp:** I have a petition signed by 91 people, most of them from the constituency of Waterloo North. It is addressed to His Honour the Lieutenant Governor and the Legislative Assembly of Ontario and it deals with the teachers' superannuation fund. I have signed it, as required for petitions to this Legislature.

#### REPORTS BY COMMITTEES

##### STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

Mr Furlong from the standing committee on regulations and private bills presented the following report and moved its adoption:

Your committee begs to report the following bill, as amended:

Bill Pr32, An Act respecting the City of Toronto.

Motion agreed to.

##### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Mr Epp from the standing committee on the Legislative Assembly presented the committee's first report on election laws and process and requested that the government table a comprehensive response within 120 days pursuant to standing order 32(d).

#### MOTION

##### COMMITTEE SITTING

Mr Conway moved that the standing committee on the Ombudsman be authorized to meet today following routine proceedings.

Motion agreed to.

#### ORDERS OF THE DAY

House in committee of the whole.

##### WORKERS COMPENSATION AMENDMENT ACT, 1989

##### LOI DE 1989 MODIFIANT LA LOI SUR LES ACCIDENTS DE TRAVAIL

Consideration of Bill 162, An Act to amend the Workers' Compensation Act.

**The Deputy Chairman:** Would the Minister of Labour and other members wishing to present amendments at this time please indicate the sections on which they wish to render comments or ask questions about, bearing in mind the special order that we have with respect to this proceeding here today.

**Hon Mr Sorbara:** Mr Chairman, might I just first seek your consent to pack up my toys here and join you down in the front row for the duration of the committee of the whole House consideration of Bill 162? We will be presenting a package of amendments in accordance with the notice of motion and regular procedure.

**The Deputy Chairman:** Yes, the minister may move and the staff may enter the chamber.

**Mr Reville:** The New Democratic Party has no objection to the minister bringing his toys down to the table.

**Mr Laughren:** On a point of order, Mr Chairman.

**The Deputy Chairman:** The member for Nickel Belt has a point of order.

**Mr Laughren:** I do not know if it is strictly a point of order. I wonder whether the minister could indicate to us whether he has any new amendments to add during this session.



**Hon Mr Sorbara:** Indeed, there are a number of new amendments, if you like. Let me just indicate to the committee that when the standing committee on resources development began its meetings on 25 May, if I recall correctly, there were a number of amendments that we indicated we would be presenting during committee consideration of the bill.

In fact, we prepared a version of the bill which was distributed to committee members, a version which looks very much like a bill that we would consider in this House except that written on the bottom is, "Reprinted to show amendments proposed by the Minister of Labour," and that was for the convenience of members of the resources development committee. All of those amendments will be moved during the committee of the whole House consideration of this bill.

In addition to that, there are some few additional amendments that we are going to—

**Mr B. Rae:** How many?

**Hon Mr Sorbara:** I will tell the member in a second.

The first is of a substantive nature and deals with the question of multi-employer plans where benefits for workers are managed and are provided for by a plan under a trusteeship. We will be proposing a substantive amendment in that area.

Other than that, we will be proposing seven amendments of an entirely technical nature. I will be providing the table, obviously, and members of the committee with copies of those, but those are of an entirely technical nature.

**The Deputy Chairman:** For the sake of the record, and for some order here before we launch into any debates, could I ask the minister to recite the section numbers, in order, of the government amendments?

**Hon Mr Sorbara:** I am just about to do that, but I will provide copies of those for the table.

Just let me go through the package of amendments: section 3 of the bill; section 3a; section 7; section 8; section 8a—that will be a new amendment; subsection 10(1); subsection 10(2) of the bill; subsection 11(2); section 12; section 15—there will be six amendments to section 15; section 16; section 19; four amendments to section 20; sections 22a and 22b; section 24; section 25; section 27; section 28, a second one to section 28 and then a motion to add sections 28a and 28b; section 29; and finally, subsection 30(2).

**Mr Laughren:** On a point of order, Mr Chairman: I was just wondering about the new

amendments the minister has just talked about. My House leader pointed out to me that standing order 64, page 19 of the standing orders, reads as follows:

**1510**

"When time permits,"—and surely time permits in this case—"amendments proposed to be moved to bills in any committee shall be filed with the Clerk of the House at least two hours before the bill is to be considered, and copies of such proposed amendments shall be distributed to all parties."

Since we are in committee of the whole House this afternoon, I would assume that standing order 64 would apply in this case. I am somewhat puzzled, given the length of time the minister has had to consider new amendments on top of the, I believe, 17 that were already tabled in the standing committee on resources development, how it is that we would have these new amendments presented to us this afternoon without them being distributed to all parties.

**Hon Mr Sorbara:** There may have been some confusion when I—

**Mr Hampton:** There's been a lot of confusion.

**Hon Mr Sorbara:** Hold on a second. There may have been some confusion when I read out the list of amendments that were going to be considered in the committee of the whole. The ones I have just finished reading out were, in all but a few cases, amendments that were tabled with the resources development committee prior to the beginning of the hearings.

**Mr D. S. Cooke:** We're asking about the few cases.

**Hon Mr Sorbara:** Okay. Within the subsections and the sections I listed there is included one substantive amendment dealing with multi-employer plans and some seven technical amendments that change slightly the structure, in one case putting together two amendments without any word changes at all. I can go through those one by one if members want at this point, but they are of an entirely technical nature.

**Mr D. S. Cooke:** What about the one substantive one?

**Hon Mr Sorbara:** There is, as my friend the member for Windsor-Riverside says, one substantive one dealing with multi-employer plans.

**Mr Laughren:** On a point of order, if I might, Mr Chairman—

**The Deputy Chairman:** First, may I ask, do you have copies of these amendments?



**Mr Laughren:** No.

**The Deputy Chairman:** Could the opposition parties be supplied with copies of the amendments?

**Mr Laughren:** On that point of order, if I might. As we have progressed with this bill, there have been many of us who have been concerned about the way in which the amendments have been presented and not distributed to all parties. It surely makes a sham of the closure motion, or the time allocation motion, that was passed in this assembly yesterday afternoon that the closure motion or the time allocation motion was put presumably as the minister was scrambling to prepare amendments.

There is something missing in this equation. Was the House leader not worried that the time allocation motion would take effect, that we would start debating the bill, before the minister had completed his new amendments? Was that not of some concern to the government House leader?

**Hon Mr Conway:** On that point of order, I just want to make plain that I heard very clearly what the Minister of Labour said. He has indicated that there is one additional substantive amendment, which is surely not unreasonable at the committee of the whole stage. The honourable members opposite now have that.

**Mr Laughren:** It hasn't been ready for a month.

**Hon Mr Conway:** The resources committee had every opportunity to consider amendments, but for a variety of—

Interjections.

**Hon Mr Conway:** I just make the point that what the minister has said is that there is one additional substantive amendment and a number of technical amendments that I do not believe are at all significant. We have a number of hours now to deliberate upon them.

**Hon Mr Sorbara:** Mr Chairman, on a new point of order: I should point out, because the member for Nickel Belt suggests I am proposing, as we get under way in committee of the whole, to deal with a new substantive matter, even though I think he would be aware of this, that the whole issue of multi-employer plans is in the bill. So, in some respects even that amendment is technical.

My point of order is that I think it would be inappropriate for the opposition party to suggest that this is a new matter that has not been the subject of discussion, when his leader, some couple of days ago, said to me in passing that he

had received a number of calls on this very section. I acknowledged to him in the hallways of this place that, yes indeed, I was aware of the problem and I was meeting with the interested parties on that very day to consider what rearrangement and how we could technically adjust that section to make it more acceptable to both of the constituencies that were concerned.

I just hope my friend the member for Nickel Belt (Mr Laughren), who was the chairman of the standing committee on resources development when it was considering this bill, is not suggesting that at this point the government is attempting to bring into the committee matters that he, his leader or his party are wholly unaware of.

**Mr D. S. Cooke:** The minister did not speak on the point of order. We are not talking about the minister and any explanation he has about his amendments. We are asking you, Mr Chairman, to rule.

It is very clear that what has happened here over the last week is that the government brought in a closure motion which involved time allocation, a limit of two days in the committee of the whole House consideration of this bill.

I remember specifically asking the minister last week when we were debating whether the time allocation motion was in order or not and asking him if there were any new amendments. He sat in his chair and he smiled. He obviously knew last week that he had these additional eight amendments.

The standing orders are very clear, Mr Chairman, and I would like to ask how you are going to rule. There are eight amendments here that have just been dropped on us today. It would seem to me that the procedure is out of order.

**Hon Mr Sorbara:** I just might make one final comment on this matter. I am not sure what standing order the member for Windsor-Riverside is referring to, but I do want to advise you, Mr Chairman, that two days ago during question period—

**Mr B. Rae:** Yesterday.

**Hon Mr Sorbara:** I am sorry, yesterday, I provided the Leader of the Opposition (Mr B. Rae) with a copy of the draft amendment that we were going to be proposing in this House.

**Mr D. S. Cooke:** All eight amendments?

**Hon Mr Sorbara:** No, only the one substantive one. If my friend is suggesting that we ought not even to deal with minor technicalities—

**Mr D. S. Cooke:** How are we supposed to judge if they are substantial or minor?



**Hon Mr Sorbara:** I am just trying to put as much information in front of the chair as possible.

**Mr Pope:** On a point of order, Mr Chairman.

**The Deputy Chairman:** Can we have a little order? The member for Cochrane South on a point of order.

**Mr Pope:** This matter, of course, has become a procedural quagmire.

**Mr Ballinger:** Quagmire?

**Mr Pope:** The government has to accept responsibility for it, and while the yahoos from the Liberal caucus are yelling in the background, this bureaucratic nightmare of a legislative process is the making of a government and a minister who have ignored the will of the people on the legislation and are forcing it through the House.

The rules of order and standing order 64 provide for no discretion. Amendments have to be provided properly by the government, and if they are not provided properly, they are not in order. We ask you to rule that way.

**The Deputy Chairman:** Perhaps we could reduce the tempers a bit. You are trying to help me decide a question of order, not fight with one another.

**Hon Mr Conway:** I want to just say to the point that the time allocation motion which the House passed last evening begins with "That, notwithstanding any other order of the House." That is point number one.

**Mr Pope:** So there are no rules.

**Hon Mr Conway:** No, there are rules.

**Mr B. Rae:** So the standing orders are gone. Okay.

**Hon Mr Conway:** No, they are not gone at all. But the order for the consideration of this bill, Bill 162, at the committee of the whole stage and at third reading, is, I remind particularly my friend the member for York South, the time allocation motion that we passed. That is the order of the House that governs that. It was passed last night. I want to make that as my first point.

The second point is that standing order 64 begins with the clause, "When time permits, amendments"—

**Mr D. S. Cooke:** And you didn't have this ready.

**Hon Mr Conway:** I just want to say to my friends opposite that from my point of view, I expected, and I wrote the time allocation with this expectation in mind, that in the first day of

the consideration of this we would anticipate a number of amendments. That is why I fully expected that the members of the official opposition or members of the third party might very well have amendments that they wanted entertained. In light of how standing order 64 is written and in light of how the time allocation motion—which is now the order governing the consideration and passage of this particular bill through these stages—is written, I do not see that as a particular difficulty and I would hope my friends opposite would agree with me.

1520

**Mr D. S. Cooke:** I think the government House leader knows very clearly that the reason standing order 64 is worded the way it is, is that quite often when we are dealing with amendments in committee of the whole House or in standing committees, there are amendments that are worked out while we are debating. That is why it says, "When time permits." In this particular case, these are government amendments that were prepared, but they were just simply not shared with the opposition parties.

In terms of the time allocation motion, I would not agree with the government House leader that he contemplated not sharing amendments and that the motion itself stood aside standing order 64. Last week he said very clearly that we only needed two days in committee of the whole because we had received all the amendments on 25 May. Now today we are told that there are eight additional amendments.

I think it is very clear, Mr Chairman, that this is out of order, the procedure is out of order, and you are going to have to rule.

**The Deputy Chairman:** Which I am prepared to do.

Standing order 64 does indicate, "When time permits, amendments proposed...shall be filed with the Clerk," so it would appear that, time permitting, that would be the case.

The reality is that around here it is common practice that amendments evolve as the committee of the whole embarks upon and engages in clause-by-clause consideration of bills. Therefore, it is not unusual for no notice to be given of amendments or proposed amendments.

Furthermore, we are today conducting proceedings in accordance with a special order of this House which exempts itself from the normal standing orders. The special order indicates quite clearly that amendments may be proposed and filed with the Clerk at any time up until 6 pm tonight. Therefore, it would appear to me that if

amendments are proposed or filed with the Clerk any time before 6 pm tonight, they are in order.

Could I ask the opposition parties what amendments they propose to this bill, or what sections—

**Mr Laughren:** On a point of order, Mr Chairman: I am sorry to interrupt, but I think that there is an important principle here and I think that if you persist in your ruling that it is in order for the government to lay these amendments on us without the requirements of rule 64 because of the time allocation motion, then we shall have no option but to challenge that ruling.

**Hon Mr Conway:** I want to say on that, Mr Chairman, I appreciate your ruling, but I am very sympathetic to what my friends in the opposition are saying. This has been tough for us all and I do not want to make it any more difficult, and I have to listen to what they have said. I am very sympathetic to the strength of their views in this connection. I must say I am going to be asking my colleague, I think, to withdraw those amendments, because quite frankly, I do not want to—

**Mr D. S. Cooke:** Withdraw all eight?

**Hon Mr Conway:** I am talking about the amendments that are being introduced beyond the package, if that is what is at issue. I am listening to this debate and I know what is coming here and I do not want to make this any more difficult for anybody.

The Minister of Labour (Mr Sorbara) introduced some time ago a package of amendments to this bill. Those have been widely circulated, as I understand it. This afternoon he has indicated that there were going to be additional amendments, seven of them technical and one of them substantive. Now the Minister of Labour tells me that he shared the substantive amendment with the Leader of the Opposition yesterday.

**Mr B. Rae:** That is true; but not with the Conservatives.

**Hon Mr Conway:** But it is not the member for Cochrane (Mr Pope) or the member for Sarnia (Mr Brandt) or the member for—

**Mr D. S. Cooke:** There are seven other amendments.

**Hon Mr Conway:** I just have to say I want some debate on the bill. I do not want for ever a procedure wrangle. I want to just simply give perhaps the Minister of Labour an opportunity to comment while I think about this a little further in light of what—

**Mr B. Rae:** Put them forward as notice.

**Hon Mr Conway:** The Leader of the Opposition makes a good point, that we put them forward, which would be allowed under the terms of the time allocation motion. They could be given notice of today and dealt with tomorrow.

**The Deputy Chairman:** Could I just clarify one thing first? None of these amendments have in fact been moved at this point. I would suggest that if you wish to stand them down until 6 pm, at which time they can be filed with the Clerk and dealt with tomorrow, that would be within the terms of the special order of the House for these proceedings. In the meantime, we could proceed with the other amendments. Is that agreed?

**Hon Mr Conway:** That would be agreeable to me if it is agreeable to the Leader of the Opposition, as in his suggestion.

**The Deputy Chairman:** Is that agreed?

**Hon Mr Conway:** We are agreed that these amendments will be tabled today and not dealt with until tomorrow?

Agreed to.

**The Deputy Chairman:** Can I therefore now clarify exactly which amendments it is that you are agreeing to set aside for the time being?

**Hon Mr Sorbara:** I will do that. The one substantive amendment is in section 3. Just to make absolutely certain, we are talking about section 3, which amends section 5a of the act. That is the substantive matter dealing with multi-employer plans.

The other ones that are of a technical nature are section 3a, subsection 11(2), section 19, section 20—

**The Deputy Chairman:** There are four amendments to section 20.

**Hon Mr Sorbara:** Two of those, the one that renumbers cross-references to reflect renumbering within the bill—

**The Deputy Chairman:** You have clause 69(1a)(a), you have clause 69(1a)(b)—

**Hon Mr Sorbara:** Then we have a number on section 28. I will tell you in a moment. What the technical amendment deals with is that it clarifies that supplements payable under subsection 135(4) are payable from the date of royal assent, and that is section 135 of the act.

Finally, subsection 30(2) provides for the coming into force of new sections 28a and 28b.

**The Deputy Chairman:** Sections 28a and 28b and subsection 30(2).

**Hon Mr Sorbara:** That is subsection 30(2) of the bill.



**The Deputy Chairman:** That gives me a total of nine.

**Hon Mr Sorbara:** I think you have one too many, Mr Chairman. Shall we go over them?

1530

**The Deputy Chairman:** Section 3a; subsection 11(2); section 19; section 20, with reference to clause 69(1a)(a); section 20, with reference to clause 69(1a)(b); section 28, referring to section 135; section 28a—

**Hon Mr Sorbara:** There is the error. It is subsection 30(2), not section 28a or section 28b.

**The Deputy Chairman:** We now have eight.

**Hon Mr Sorbara:** Now we have the right number.

**The Deputy Chairman:** On section 28, there were three amendments to be proposed. I have the second one marked as deferred, which refers to section 135 of the act.

**Hon Mr Sorbara:** If you will just give me a moment, Mr Chairman, I will determine which of those is new and technical. It is the second of the two I have mentioned, redoing section 135.

**The Deputy Chairman:** I now ask the opposition parties if they have any amendments they wish to propose at this time. Could they also give me an indication of the sections they wish to ask questions on or make comment upon?

**Mr Wildman:** We do not have amendments.

**The Deputy Chairman:** Do we have any comments on sections 1 or 2?

Sections 1 and 2:

**M. B. Rae :** J'aimerais préciser la position de notre parti à l'égard de tous les amendements, y compris les articles modifiants, présentés par le ministre du Travail (M. Sorbara). Hier je n'ai pas eu l'occasion de m'exprimer là-dessus aussi clairement en français que je l'aurais voulu et préféré.

Avec l'appui de notre équipe, qui est très gentille et sympathique, d'ailleurs, j'aimerais faire de mon mieux pour préciser à la Chambre, à vous, M. le Président ainsi qu'au Ministre les problèmes que nous avons en général avec les amendements que le gouvernement a présentés.

Je suis certain que les députés se souviendront du moment où le Ministre a déposé à la Chambre son projet de loi 162, il y a maintenant quelques mois.

L'autre argument que nous opposons à ce projet de loi, et c'est une opposition fondamentale, c'est l'argument contre les mesures que le gouvernement propose. Au même moment, nous avons précisé que nous voulions insister sur

l'importance des contrats sociaux établis par le gouvernement conservateur de 1914, c'est-à-dire, d'avant la Première Guerre mondiale.

Il s'agissait là d'une déclaration de contrats sociaux fondamentaux où les travailleurs ont perdu certains droits importants au même moment où ils ont vu établir un système d'assurance sociale, offrant aux travailleurs, au cas de blessures, de problèmes de travail et d'accidents, un système d'assurance garantie. C'est pourquoi nous avons dit au Ministre qu'il est absolument sans précédent pour un gouvernement — qu'il soit libéral, conservateur, socialiste ou n'importe quoi — de présenter une telle modification de la loi, sans l'approbation et sans l'appui du mouvement ouvrier et du mouvement des travailleurs accidentés dans la province.

On a vu les modifications proposées par le Ministre. Au mois de janvier, il a fait adopter quelques amendements, surtout ceux concernant le rôle que jouent les médecins et le droit de faire appel au Tribunal d'appel des accidents du travail ; et le Ministre enfin a accepté le fait que, au cas où les accidentés, ayant eu de mauvaises expériences, ont été maltraités par le système et par les décisions de la Commission des accidents du travail et qu'ils sont malheureux, ces travailleurs ont maintenant le droit de faire appel au tribunal, même sur des questions médicales ; et le tribunal a le pouvoir et la juridiction de décider sur toute question médicale. Pour nous, ceci est absolument essentiel. En même temps, nous avons fait une contribution, et ma collègue la députée de Sudbury (Mlle Martel) aussi en a fait une énorme à ce débat en s'adressant directement au Ministre au sujet des problèmes fondamentaux concernant ce projet de loi.

Je profite de l'occasion pour reparler aujourd'hui du premier problème dont j'ai parlé hier, soit le problème de base : le fait que le gouvernement est en train de changer le système de compensation, qui est, actuellement, un système d'assurance dont la pension est garantie à vie, non seulement jusqu'à l'âge de 65 ans ; on a transformé le système de pension à vie en système de bien-être social, un système où les décisions prises par les bureaucrates et par d'autres sont nettement précisés dans la loi, afin de leur donner le droit de limiter et diriger les travailleurs à leur discrétion, et d'imposer des décisions à ces travailleurs qui, eux, diront certainement, par nécessité, que de nombreux de ces récents accidentés vont à l'avenir recevoir moins que leurs compatriotes, soit ceux qui ont eu des accidents il n'y a que quelques mois ou même quelques jours.



Nous aurons deux classes d'accidentés dans la province : ceux qui ont été blessés avant la date de proclamation de ce projet de loi, et les autres : ceux qui seront blessés dans l'avenir. C'est un système que nous rejetons et voilà, je crois, la divergence fondamentale de philosophie et d'approche entre notre parti, qui comprend le mouvement ouvrier dans cette province, et le gouvernement libéral.

Naturellement, nous attendions du Ministre des amendements s'adressant directement aux appels venant du mouvement ouvrier, afin de voir changer la voie prise du gouvernement ; nous attendions des amendements faisant face à ces problèmes. Mais, au contraire, les amendements proposés par le gouvernement, selon notre expérience, n'ont pas du tout touché à la capacité, au pouvoir et à la puissance unilatéraux, des bureaucrates à la commission, d'abord de prendre des décisions, et finalement d'imposer ces décisions aux ouvriers en Ontario.

Il est absolument inacceptable pour nous d'avoir un gouvernement qui dit : « Nous savons mieux que les travailleurs, les gens qui sont blessés et les accidentés eux-mêmes quoi et comment faire. C'est pourquoi nous allons imposer ce nouveau système » — ce système qui sera, à notre avis, si injuste envers les accidentés.

1540

Deuxième point : l'assistance offerte aux travailleurs désirant retourner au travail. Là, encore, nous attendons, ainsi que d'autres. M. Majesky et M<sup>me</sup> Minna — cette dernière étant une partisane du parti libéral bien connue, j'en suis certain, et bien connue par le Ministre personnellement ; une personne qui, j'en suis également certain, a travaillé avec le Ministre au sein du monde politique — ont mis sur pied un comité sur l'assistance aux travailleurs, pour faciliter leur retour au monde du travail. Ils ont insisté sur des changements essentiels dans le système du travail, mais nous devons dire que ces changements ont été, dans la grande majorité, rejetés par ce gouvernement.

M. Majesky, je crois, a fait le calcul que 85 ou 87 pour cent des amendements proposés par son comité spécial, qui a voyagé partout dans la province, ont fait rapporter des expériences absolument affreuses que les gens ont eues avec la Commission des accidents du travail. Ils ont insisté que l'on adopte les changements qui ont été rejetés par le gouvernement. Mais la chose la plus importante, dans la tâche du gouvernement et dans la position prise par le gouvernement, c'est qu'ils ont retenu le pouvoir de discrétion de

la commission sur la question : « Qui recevra une compensation de la commission ? »

Je suis certain que tous mes collègues ont eu des cas comme moi j'en ai eu. Je suis certain aussi qu'il y a des collègues d'autres partis qui en ont eu de semblables. Nous connaissons beaucoup de cas de travailleurs qui reçoivent des compensations, mais qui ne reçoivent pas l'assistance, auprès de la commission, qui leur permettrait de retourner au travail.

Pourquoi est-ce que la commission dit : « On n'a pas le temps. Celui-là n'est pas capable de travailler ; nous croyons que ça ne vaut pas la peine ; il est trop vieux, elle est trop vieille ; elle n'a pas la capacité de travailler ; cela ne vaut pas la peine de lui donner de l'assistance. Nous devons aider ceux qui, selon ce que nous avons décidé dans nos discussions, ont la meilleure possibilité de réussir leur retour au travail » ?

Face à cette situation où des milliers, littéralement, de travailleurs ne reçoivent aucune assistance, après une compensation de 15, 20 ou 25 pour cent, de la part de la commission, et cette dernière n'a pas l'obligation d'offrir ses services aux travailleurs.

Quelle était le propos fondamental du rapport Majesky-Minna ? C'était, clairement : « Si nous allons stabiliser la balance entre l'intérêt des travailleurs et de la commission, il faut mettre le pouvoir légal entre les mains des travailleurs et insister sur les services. »

La différence entre des services de discrétion et des services d'obligation nous est bien familière, ainsi que la différence entre le droit de choisir d'aider une personne — et j'entends par là, de la part de la commission — et l'obligation de le faire ; soit, le devoir, qu'a la commission, d'offrir des services face à des obligations nettement dites légales. Malgré le fait que nous avons insisté sur les droits des travailleurs et de ceux qui ont été touchés par ces changements, le gouvernement a choisi de changer et d'amender certaines choses ; oui, c'est vrai et je l'accepte. J'ai vu les amendements présentés encore une fois par le Ministre cet après-midi, et nous voilà les considérant maintenant ; mais la réalité fondamentale actuelle, c'est que le gouvernement a décidé de continuer de placer la discrétion dans les mains de la commission.

Ceci est clairement établi dans la formulation des amendements proposés par le Ministre et le fait reste — si on me permet, je cite les paroles exactes qui paraissent dans la législation de la loi proposée par le Ministre : « dans l'opinion de la commission » — que ces mots-là donnent le pouvoir non pas aux travailleurs mais à la



commission, et c'est là la différence qui touche non seulement notre parti ou quelques gens élus pour le Parti néo-démocrate dans la province qui sont maintenant députés dans cette Chambre ; non, la décision du gouvernement va contre le rapport du comité Majesky-Minna et représente bien les intérêts des employeurs. Ce tribunal a été choisi par les libéraux et non pas par le mouvement ouvrier qui, lui, avait des représentants parmi les travailleurs, dans le gouvernement et parmi les employeurs. Clairement, la décision du gouvernement était, essentiellement, de choisir en faveur du pouvoir dans les mains de la commission et c'est là le problème.

M. le Président dit que gouverner, c'est choisir ; et on pourrait dire que vivre, c'est choisir, puisqu'on doit faire des choix tous les jours. Mais il est certainement aussi vrai que gouverner, c'est choisir. En gouvernant on doit choisir ; il est évident que le gouvernement a préféré choisir l'intérêt de la commission et des employeurs et, en faisant ce choix, a rejeté l'opinion des travailleurs qui ont présenté leurs opinions au comité qui a voyagé à travers la province.

Quant à la question de l'emploi, du droit de retourner à l'emploi et de l'assistance que nous proposons aux travailleurs qui veulent retourner au travail : nous savons tous que travailler, c'est un aspect fondamental de la vie sociale ; le droit de travailler et le droit d'être dans le monde du travail font absolument la base de la philosophie de notre parti. Et c'est ce qui a été rejeté par la commission, par le gouvernement et dans les amendements toujours présentés par le gouvernement du ministre du Travail.

Alors, nous répétons, et nous allons continuer de répéter clairement, avec insistance et avec une certaine émotion, dans les jours qui nous restent dans ce débat, que le gouvernement a choisi, sans exception, d'appuyer l'intérêt des employeurs dans la province, et je dois insister aussi que ce ne sont pas les employeurs qui vont à la commission pour obtenir de l'assistance ; ce n'est pas le président de Stelco ou le président de Inco qui va à la commission pour voir s'il mérite une pension ; ce n'est pas le président d'une grande compagnie de l'industrie forestière mais plutôt les gens qui travaillent dans la forêt qui vont à la commission — soit les gens qui risquent leur vie chaque jour au travail — et la commission a été conçue pour eux et non pas pour les présidents des grandes compagnies. C'est le choix fondamental que nous devons faire face aux questions telles que : « Quel système est le système juste pour les pensions, où le gouvernement a pris le côté des employeurs ? Quel est le droit des

travailleurs de retourner au travail ? Où est le droit d'assistance de la commission ? »

Là, encore une fois, le gouvernement a choisi l'intérêt des employeurs et c'est pourquoi, en première vue et en vue de la philosophie générale du gouvernement, nous rejetons les amendements et la position prise par le gouvernement et continuons de les rejeter, ainsi que les changements qui ont été proposés. Alors, je n'ai pas voulu parler tout l'après-midi, malgré le fait que je sais bien qu'il y a certains qui voudraient que je le fasse ; mais je voulais préciser les raisons en faveur desquelles je me trouve, et dire jusqu'à quel point notre parti est malheureux grâce aux positions prises par le gouvernement. Merci !

**L'hon. M. Sorbara :** Je voudrais répondre en quelques mots au discours de mon collègue, mon ami le chef de l'opposition (M. B. Rae). J'ai entendu et écouté pendant de nombreuses semaines et de nombreux mois l'opposition des députés du Nouveau Parti démocratique et maintenant j'ai écouté encore une fois le discours très intéressant du chef de l'opposition.

Il fait trois points, en gros, et je pense qu'il me faut répondre, même si ce sera un peu plus difficile, dans l'autre langue parlée ici dans le Parlement.

Le premier point est la question autour du contrat social qui, comme le député de York-Sud l'a mentionné, existe dans la province depuis 75 ans : ce système d'indemnité sur la Commission des accidents du travail. J'ai bien examiné les rapports de 1915 lorsque nous avons créé notre commission et encore une fois, je suis sûr que ce que nous avons présenté ici dans le projet de loi 162 reflète, d'une meilleure façon, la décision que nous prenons maintenant, 75 ans plus tard — c'est-à-dire, la décision de rendre au travailleur accidenté le niveau d'indemnisation qui représente ce qu'il a concrètement perdu suite à l'accident.

Ce serait un système juste. Ce que nous avons maintenant n'est pas un système qui accorde aux travailleurs accidentés de la justice ; non, nous avons un système de justice très bizarre : c'est ce qu'on appelle en anglais « rough justice » ; et pourquoi ? Parce que tous les travailleurs qui partagent le même problème, les mêmes difficultés et les mêmes accidents reçoivent le même taux de compensation, ce qui n'est pas un système de « justice ».

Il faut aussi regarder ce qui se passe dans les autres provinces, notamment au Québec où, depuis quatre ans, il existe un système de double indemnité identique à ce qu'on propose ici dans le projet de loi 162. Au Québec, il n'existe pas les



problèmes auxquels nous faisons face ici aujourd'hui en Ontario avec ce vieux système, âgé de 75 ans. Alors, ce que nous proposons, c'est justement quelque chose pour avantager les travailleurs accidentés. Le chef de l'opposition dit : « Pourquoi est-ce que les travailleurs accidentés ont rejeté ce système ? Ma réponse est : Les travailleurs accidentés ne veulent peut-être pas perdre la pension à vie qu'offre le vieux système. » Cela, je peux le comprendre, c'est très simple. Mais si nous voulons créer un meilleur système avec les mêmes ressources qui nous sont disponibles, il vaut mieux utiliser ces ressources.

Sur le deuxième point : le député de York-Sud a parlé de l'aide de la Commission des accidents du travail, en vue de les retourner au milieu de travail après l'accident. Selon lui, la solution serait un programme de réadaptation du travailleur. Qu'est-ce qu'il y a actuellement dans la loi à ce sujet ? Pas beaucoup.

**M. B. Rae :** Pas grand-chose.

**L'hon. M. Sorbara :** Le député est d'accord : il n'y a pas grand-chose dans la loi dont nous disposons aujourd'hui. Très brièvement, elle précise : « La commission peut prendre les mesures et engager les dépenses qu'elle juge nécessaires ou utiles pour la réadaptation professionnelle. » Ce n'est pas beaucoup.

Prenant le temps de lire le projet de loi 162 pour savoir ce que nous faisons dans le domaine de la réadaptation professionnelle, on voit clairement que ce sera, dans l'avenir, une grande force qui facilitera aux travailleurs accidentés le retour à leur milieu de travail.

Nous avons déjà répondu au rapport Majesky-Minna. J'ai parlé de cette question avec M<sup>me</sup> Minna en lui demandant : « Ce que vous dites dans le rapport, est-ce que ce que c'est ce que demande le Nouveau Parti démocratique ? Elle m'a répondu : Non, parce qu'on ne peut pas garantir, pour chaque travailleur accidenté qui ne travaille pas pendant 30 jours, tout un programme de réadaptation. Ce serait absolument absurde. » Pourquoi ? Parce que quelqu'un est obligé de prendre une décision selon ce scénario : « Est-ce que la réadaptation professionnelle est nécessaire pour ce travailleur accidenté ? Qui devrait prendre cette décision ? » C'est évident que c'est la commission, n'est-ce pas ?

Mais il nous faut une loi qui donnera aux travailleurs accidentés la possibilité d'avoir une décision claire et rapide de la part de la commission. Nous expliquons dans le projet de loi que, après quatre ou cinq jours, la commission doit commencer avec le travailleur accidenté

le procédé pour mettre en marche sa réadaptation professionnelle. C'est une solution supérieure à celles de toutes les autres provinces au Canada.

Enfin, il y a la question autour du droit du travailleur accidenté de retourner au travail qu'il faisait avant l'accident. Nous sommes justement la deuxième province au Canada à établir cette sorte de droit pour les travailleurs accidentés. Ce que nous faisons, c'est à peu près la même chose qui existe maintenant au Québec où ça fonctionne assez bien pour les travailleurs. Oui, ces nouvelles sortes de droits sont difficiles, mais en Ontario nous avons commencé à aborder ce genre de question. J'ai dit au début de cet énoncé, qui dure maintenant depuis treize mois que, ici, avec ce genre de droits, nous sommes au commencement d'un nouveau thème dans la politique publique concernant les travailleurs accidentés.

#### 1600

Après avoir examiné des expériences de peut-être trois ou cinq ans, je n'ai aucun doute qu'il y aura plus à faire, mais au moins, nous avons commencé. Alors, je dis que je comprends très bien tout ce que disent les députés néo-démocrates au sujet du projet de loi 162 ; mais je dis aussi que si nous n'apportons pas ces amendements au projet de loi de la Commission des accidents du travail, nous faisons du mal aux travailleurs, non seulement aux travailleurs accidentés, mais à tous les travailleurs en Ontario.

**M. Pope :** Nous dans notre parti sommes aussi opposés au projet de loi 162 tel que proposé par le gouvernement libéral ; opposés, parce que les accidentés de l'Ontario seraient moins avantagés qu'avant avec ce projet de loi. Ce serait pire qu'auparavant, pour les familles de ces accidentés, et des hommes et des femmes ayant subi des blessures et des maladies causées par le travail, si le projet de loi 162 devenait loi en Ontario.

Nous avons besoin d'études officielles et formelles et de négociations concrètes entre le gouvernement, les accidentés, les représentants des groupes de travailleurs, les compagnies et les entreprises. Après ces négociations, ce projet de loi pourra-t-il passer en deuxième lecture ?

Nous, du Parti conservateur, avons aussi posé quelques questions au ministre du Travail : nous avons demandé un bilan des dates des assemblées tenues avec des groupes de travailleurs, des accidentés, des représentants des travailleurs, des compagnies et des entreprises ici en Ontario.

Le Ministre a donné quelques dates identifiant certains rendez-vous qu'il a eus avec quelques



personnes ici en Ontario, mais ces personnes nous indiquent, à nous, les députés de l'opposition, que ces assemblées n'avaient pas comme but la négociation des amendements et des articles dans le projet de loi 162, pas du tout : c'étaient plutôt des discussions au sujet de la compensation en général. Il n'y a eu aucune négociation. Nous avons vu, dans l'histoire de ce projet de loi et dans l'histoire de toutes les lois concernant la compensation ici en Ontario, la nécessité d'établir des négociations concrètes entre les représentants des travailleurs, les compagnies et les entreprises... Ce projet de loi n'est ni bon ni juste.

Au cours de la deuxième lecture de ce projet de loi, nous avons également demandé des études, afin de pouvoir tirer des conclusions des résultats financiers des compagnies, soit celles qui font des contributions et des paiements à la Commission des accidents du travail ici en Ontario ; cependant, nous n'avons eu aucune réponse.

Le Ministre a indiqué que ces amendements veulent dire qu'aucune autre contribution ni paiement n'ont été versés à cause de ces amendements.

Toutefois, aucune étude n'a été faite par le ministre du Travail pour appuyer son dire. Nous avons vu les résultats dans les bilans financiers de la Commission des accidents du travail, détaillant les déficits que toute la population de la province est chargée de payer maintenant. Ce sont surtout les entreprises, les chefs d'entreprises et les compagnies qui doivent maintenant se charger de dédommager de ces déficits et ceci va augmenter à l'avenir à cause de ces amendements, parce que le ministre du Travail n'a pas du tout prouvé que ces amendements n'auront pas comme résultat l'augmentation des paiements faits par les compagnies ou par les entreprises auprès de la commission de compensation.

Nous avons indiqué que nous ne sommes pas d'accord avec le ministre du Travail au sujet des programmes de réadaptation professionnelle ; en ceci aussi, nous nous trouvons en opposition contre le Ministre. Selon nous, chaque travailleur a le droit de participer à un programme de réadaptation qui ne devrait pas se limiter au mots sur papier, aux études et aux rapports. J'ai commencé ça avec la deuxième lecture, comme le Ministre le sait, avec les appels à la Commission des accidents du travail et ce, pendant des années. Ce ne sont pas seulement ces amendements-là qui créent des problèmes ; nous envisageons une situation rendue pire pour les travailleurs de l'Ontario, et c'est pour cette raison-là que nous, du Parti conservateur, avons

demandé une Commission royale d'enquête sur le système de compensation en Ontario ; c'est aussi pour cette raison que nous nous opposons au projet de loi libéral au sujet de la compensation.

Our position on this bill was put very clearly and very forcefully in this Legislature on 11 July by the member for Mississauga South (Mrs Marland), our Labour critic, when she indicated—

**Mr Carrothers:** Can you tell us what it is?

**Mr Pope:** The member for Oakville South has asked me to let him know what it is. In that case, I will read the entire transcript of her comments into the record, as the member does not know what the comments were. I will begin to read from page 2107:

“As a member of the standing committee on resources development and as a Progressive Conservative, I would like to tell the members that my personal experience with Bill 162 has been a very real experience for me. I would suggest to members of this House who have not had the experience that we had, as that committee travelled this province and listened at first hand to examples from the injured workers and their families, that they have really no idea what the implications of what we are doing today really mean.

“It is really almost difficult to know where to start in this debate this afternoon. In fact, if I were to say that I was somewhat shocked by the motion placed before the resources development committee on Thursday by the parliamentary assistant to the Minister of Labour, the member for Halton Centre (Mrs Sullivan), it might be an understatement, because I thought that the Liberal government of Ontario has advertised and reinforced itself all the time for the four years that it has been the government about how open it is, how it believes in listening to the people, how it has campaigned in what seemed to a very large number of people, obviously, to be in a very sincere way about the fact that it was going to be a totally different government from ever before in this province. It was going to be a government with no walls and no barriers.

“What we have in this motion to do with Bill 162, the bill to amend the Workers' Compensation Act, is that we are dealing with a motion that absolutely creates the walls and the barriers. In fact, more than that, this motion means that everything we have been doing for the last six months has been a total waste of time, a total farce; totally irresponsible on the part of the



Liberal government that now brings in this motion."

The member for Mississauga South travelled across this province. Members of the committee were in my community of Timmins. I was privileged to host them. I was privileged to sit in on the hearings of the following day, where we had representations from labour groups, from management groups and from individuals who had problems with the compensation system.

Over my 12 years as a member of provincial Parliament, I have been privileged and pleased to help over 4,000 people with their workers' compensation problems. I have been pleased to be involved since 1979 in the gold miner studies and in the need for compensation for widows of miners who have died from lung cancer.

I have been involved in over 4,000 cases and I understand the problems of the administration of the system and of the law as it now stands. I understand the need for change. I understand the need for a more compassionate system, a speedier system. I understand the need for more compassionate provisions in the Workers' Compensation Act. But I say to the minister with respect that both the process of this bill and the personal processes of the minister in developing the bill, as well as the contents of this bill, do not meet the needs of the people of Ontario.

**1610**

Our party has called for a royal commission so that we can have an entire review. I have put on the record in second reading some of the amendments that I think are required, based on the problems that I have seen in my constituency office over 12 years.

On second reading, before we decided whether we would support this legislation, we asked the minister to give us an entire list of the dates and the people whom he met with; to honour the commitment of governments, all governments of all stripes, in this province when it comes to matters of the Workers' Compensation Act; to tread very carefully and very slowly and very deliberately in full consultation and co-operation with representatives of organized labour, with representatives of injured workers, with injured workers and their families, with the employers of this province including small businessmen, not just big companies and great presidents, and with the compensation system itself, the commission itself.

What is apparent to us is that the Workers' Compensation Board and the Workers' Compensation Appeals Tribunal will have had a hand in drafting this legislation and no one else, and it

has to be different. It must be different in this legislation. That is its history, going back through the Weiler study and all of the other royal commissions and studies that have been done. On this legislation on the Workers' Compensation Board, you tread gently; you negotiate carefully; you give a clear understanding to all groups in this province that might be affected as to what is going to happen and what the consequences of the legislation are going to be; and then, and only then, you introduce this legislation. If, after having introduced the legislation, you run into problems you withdraw the bill and take the time to redo it and do it properly and do the negotiations and consultations that have to be done.

The personal processes of the minister in arriving at the point of the introduction of Bill 162 were flawed. There was not the kind of negotiation that history requires in this legislation, and the results, in my respectful opinion, are flawed. If the minister says that the bill is an improvement, that it answers the needs of injured workers, why is virtually every injured workers' group in this province opposing it? Why do they want it not to proceed? We are not talking about proposed amendments. We are talking of the demand that it not proceed until the full consultation processes have been heard.

We have indicated very clearly that we have some concerns with the pension provisions on two counts. First, we have seen no studies that show that these amendments are going to be revenue-neutral, and we know that the Minister of Labour, in introducing this bill, this proposal, to the policies and priorities committee of cabinet and to the cabinet itself, had to have had an economic impact study that is required in this government as it was required in the previous government. Where is that economic impact study and why has the minister not produced it for the members of this Legislature so that we can examine it while this bill is being considered? Why, when we specifically requested it in second reading before we decided our position in the Conservative Party, did the minister say that it was not worth it; that he was going to go it alone; that it was going to be a Liberal initiative and he did not care if he had the Conservative Party's support or not? That is fine. He has not got it because he would not produce a rather basic document that answers some of the questions that employer groups have about this legislation that they voiced to us and to the members of the Liberal caucus and to all members of the Legislature.



On the other hand, when it comes to the pension provisions we have workers' groups that say that in fact their pension rights are going to be a great deal less than they were before Bill 162 comes into law; that they have no guaranteed pension security for the rest of their lives, which they feel they have a right to. Those questions have not been answered to the satisfaction of the groups that brought those concerns to our attention.

The second major principle of the bill that we see as flawed and which I discussed briefly in the French language a few minutes ago is that we do not see a need for a mandated assessment for rehabilitation purposes. We have assessments coming out our ears and over 4,000 files in Timmins, and workers have not had a rehabilitation program made available to them in spite of the assessments. We want a guaranteed rehabilitation program for each and every injured worker, one that is going to look at his injury and his potential and work with him and his family to get him back into the workforce expeditiously.

We do not need more paper being pushed between Sudbury and Toronto and Toronto and Timmins, and then when we call, the file is lost and it takes them two weeks to find it. We do not need any more of that.

We do not need any more frustration from the rehabilitation counsellors in the local offices in Timmins and Sudbury because their recommendations are not being followed by the board. We need a statutory guarantee of a rehabilitation program expeditiously put in place, and not more paper chases through local and regional offices and the many, many floors of bureaucracy in Toronto.

We need a system that is locally originated, that takes into account, as this legislation does not, the point of view of family physicians and specialists, and not just the ones the government decides to appoint. We need a system that gives some credibility to the only orthopaedic surgeon in the district of Cochrane and Timiskaming and does not automatically reject his opinion every time we submit it to the Workers' Compensation Appeals Tribunal or the Workers' Compensation Board.

We need some justice for the injured workers who are trying to get a hearing expeditiously, not paper chases between Sudbury and Toronto and Sudbury and Timmins.

We need the right to subpoena doctors who are giving opinions to the board that are detrimental to the welfare of workers in this province. We have the right to question them on their opinions,

to examine the validity and the currency of their opinions. We have no explanation whatsoever as to why the opinions of the only specialists who have looked at these people over any period of time and in any detail are rejected. We need a better system than that proposed by Bill 162.

The member for Mississauga South, in her two speeches—and I will not read them both out, but the members knows that on 7 June in the standing committee on resources development the member for Mississauga South, speaking on behalf of our party, put our concerns on the record.

**Hon Mr Sorbara:** A wave of disappointment moved through the House.

**Mr Pope:** Since the minister is disappointed, I will continue then.

I am turning to page L-69 of the comments of the member for Mississauga South. Because she does review a bit of the history of this legislation, I think it is important to put that on the record.

**Some hon members:** It is already on the record.

**Mr Carrothers:** It is already on the record. Have'nt you heard it before?

**Mr Pope:** Some of the gentlemen—as a matter of fact, the member from Oakville, who says it is already on the record, said he had not heard it before and he would like to hear it.

**Mr Furlong:** No, no, he asked if you had ever heard it before. There is a difference.

**Mr Pope:** He said he would like to hear it, so I am going to read it out. The member for Oakville has the right to be heard.

**The Acting Chairman (Mr Morin):** Order. Point of order.

**Mr Fleet:** On a point of order, Mr Chairman: Under the rules of debate, standing order 19(d)4 states quite clearly that, subject to your discretion—because it refers to the opinion of the Speaker—it is not appropriate for there to be read at length debates of the current session or any unnecessary verbatim report of the legislative debates or, in fact, any other document.

The honourable member read at some length previously, and although I was tempted on that occasion, I certainly did not want to prevent him from making a point, if there was one, and did not object. He now is indicating his willingness to go on and now wants to read two further speeches that are already part of the record. If the member has something fresh to tell us, that would be, of course, in order, but I suggest that it would be inappropriate for there to be continued reading from the existing record.



1620

**The Acting Chairman:** I must admit that I was not listening attentively, and I will give the benefit of the doubt to the member for Cochrane North. Please continue.

**Mr Pope:** That is the worst insult of all. First, I was only replying to the request of the Minister of Labour, who wanted me to read it into the record.

**Mr Fleet:** He did not say that.

**Mr Pope:** That is exactly what he said. I apologize to the member for Oakville South (Mr Carrothers). I got his riding wrong—not his request, but his riding. It is Oakville South, not Oakville.

Continuing on with my reference to the notes from the speech of the member for Mississauga South—

**Miss Nicholas:** Page L-69.

**Mr Pope:** Page L-69. Thank you. In that instance, I think the member for Mississauga South clearly put on the record—and I am going from memory now, because I am not supposed to read the speech—the fact that over 621 groups requested to meet with the standing committee on resources development on this legislation and, in fact, the committee had time for only some 300 of those delegations. Less than half of the people who wanted to be heard on this bill were heard.

It is not surprising that there would be over 620 people or organizations requesting to be heard on this bill. That has been the history of any attempts to amend workers' compensation legislation in this province. It is a long, sometimes tedious—perhaps from the point of view of the Minister of Labour—process, but it is a necessary process of listening to those who want to be heard and one that deals with not only groups across the province, but with members of the assembly. I know that the minister has a time allocation bill because he does not want to listen to anyone much longer, but nevertheless, for the next two days and some he is going to have to.

What the member for Mississauga South also indicated in her address to the Legislature on 11 July was that the chairman of the committee, the member for Nickel Belt, was reduced to virtually drawing names out of a hat to see who would have the right to be heard by a committee of this Legislature that is supposed to be their representatives in the province.

That is my recollection of the member for Mississauga South dealing with the process of this bill. She went on to decry the fact that over 50 per cent of the groups who wanted to be heard were not going to be heard; to decry the fact that

many of the amendments that the minister himself wished to place in this legislation would not be given full debate in committee, and that is the reason why she opposed the motion of the parliamentary assistant to the Minister of Labour, the member for Halton Centre, to move this bill out of committee.

I know that when the government has 94 seats, a good majority, a lot of these things, from the minister's point of view, are a waste of time. I am sorry that he feels that way. I am sorry he feels that over half of the delegations who could not be heard were going to waste his time and that he had other important things to do and really did not want to get involved in this kind of a process.

I am sorry that is the minister's attitude towards people in this province who want to have a say about something very fundamental to their futures, but that is exactly the attitude that he conveys to people when he stands up in the Legislature and answers the members of the New Democratic Party, and when he goes to Thunder Bay and makes the comments he did to the labour groups that the member for Mississauga South referred to in her speech.

**The Acting Chairman:** Order. Please deal with sections 1 and 2.

**Mr Pope:** I am dealing with section 1. I am trying to convey to the minister, through you, Mr Chairman, the fact that in many of his utterances on these issues and others, I think that he has conveyed an attitude to the people of the province that I do not think he really necessarily has.

**Hon Mr Sorbara:** Let's debate the matter, not the man.

**Mr Pope:** Well, I think that one of the problems with Bill 162 has been the way people reacted to the comments of the minister in this Legislature and his comments to organized labour in meetings like the one in Thunder Bay that the member for Mississauga South referred to.

**Hon Mr Sorbara:** Most of the people at that meeting enjoyed it.

**Mr Pope:** They enjoyed that kind of language?

**The Acting Chairman:** Order again, please.

**Mr Pope:** The minister says that they enjoyed that kind of language. I should read it into the record. People would be shocked at what the minister said in Thunder Bay. Certainly the member for Mississauga South was shocked.

**The Acting Chairman:** Order. Address the chair. Just ignore the comments of the Minister



of Labour. I would ask the minister to give him a chance to express his views.

**Mr Pope:** The compensation system has caused concern for every member of the Legislature. Any member, when he goes to his office, regardless of what party he belongs to, on the weekends or if he happens to be a Metro member he can do it during the week in the evenings, every member dealing with constituency problems knows how often he is approached with workers' compensation issues. Over 50 per cent of my constituency work is on compensation. I would suggest the member for Algoma-Manitoulin (Mr Brown) would probably have the same ratio, and all members of the Legislature, so I am not saying that it is a new issue or it is an issue that just involves members of the New Democratic Party or one or two members of our party. Every member has these issues.

We know the procedural problems, the frustrations of the procedure, and we also know the tremendous case load that the Workers' Compensation Board is operating under and we appreciate that. On the other hand, we know the tremendous frustrations at the delays and what appears to injured workers to be bureaucratic paper-chases through the system in order for them to get what they think is justice for them and their families.

Everyone is aware of those problems. One of the greatest concerns that we all share as members of this Legislature is the frustrations with the process and the need to improve the processes of the board and the processes of the appeal tribunal.

What we have seen, in fact, is the evolution of conflicting bureaucracies within the workers' compensation system, where now we have the compensation board hiring lawyers to attend the appeal tribunal hearings, we have fights between the compensation board and the appeal tribunal over what the policies will be for compensation, we have studies going on over each other's decisions, we have all sorts of letters flowing back and forth and we get delays of decisions being made in case they are brought to the appeal tribunal.

These kinds of bureaucratic nightmares, which may be readily understandable down here in Queen's Park, are totally lost on all of us who have to answer to the public for the administration of the workers' compensation system in this province; and it is slowly but surely grinding to a halt. As you try to find files in Sudbury or in Toronto or in Timmins or wherever they may be, including in transit, the system becomes more

complicated, more frustrating and there are more and more delays built into the system.

The real priority of this government should be to sort out this bureaucratic morass that has bothered all of us over the past three years as the appeal tribunal has installed itself and the compensation board has reacted to that installation and the powers that are attracted to it. That is where the minister should be spending his time.

In fact, if anything, the situation has been getting progressively worse by the month. I can tell members that from our own offices, from the number of calls and from the nature of the problems we have with the compensation board.

On the other hand, we have this staggering deficit, the unfunded liability, which is continuing to grow. The annual report of the Workers' Compensation Board contains a consulting actuaries' report by Eckler Partners Ltd and it indicates the unfunded liability for 1988 of some \$7 billion—over \$7 billion; \$7,349,000,000.

The situation is getting progressively worse, not better. In spite of the special levies to pay off the obligations of the unfunded liability, it is getting worse, not better. There is no hope in sight for employers of this province who are paying those additional assessments that try to take care of this unfunded liability problem.

That is another issue that urgently has to be addressed that this bill really does not deal with. That is a major concern for employers across this province, and it is one of many factors that business look at and investors look at when they are making investment decisions that could create jobs for our fellow Ontarians.

We have already seen Saskatchewan and Quebec brag about the cost of doing business in their province as being better than in Ontario because of provincial taxes, because of provincial costs, because of business costs. That is going to continue to escalate unless this government addresses that priority, and it has not done it. Quite frankly, the minister should have addressed that as one of the fundamental issues and not hidden behind a position that his amendments are revenue-neutral when he produces no documentation to substantiate that.

**1630**

I will not read the speech of the member for Mississauga South in its entirety. However, it does raise a number of very important points. Her experiences sitting in the committee over so many days and weeks have led her to conclude that this bill is flawed and should not be supported. Her arguments in our caucus were persuasive. Her knowledge of this legislation and



its effects on people and the opposition to it were detailed. Because of that, on behalf of my party, I must say that we will be opposing this bill in its entirety.

I ask the minister to reconsider, withdraw the time allocation motion, withdraw this bill and engage in the normal, traditional process of negotiation and consultation which must take place whenever the workers' compensation system is changed.

**Mr Laughren:** I do not know who pulled the chair out from underneath me.

I did want to make a few very brief comments because as someone who chaired the committee, I did not have a voice during all those days of hearings. I did want to make a few comments because I have found throughout the process the performance of the minister truly breathtaking.

**Hon Mr Sorbara:** Is this going to be a personal attack?

**Mr Laughren:** No, it is not a personal attack. What I find breathtaking is that the minister travels this province telling everyone who will listen that this bill is going to help injured workers in Ontario. The reason he makes that argument is that I think he believes that the present system is unfair because a worker can get injured, get compensated for that lifetime disability and go back to work at full pay. The minister feels that is overcompensation while other people in the system are being undercompensated.

As I have listened to the minister fairly carefully these many months, that is why I think he wants this bill. Now if the minister agrees, and I think he would not disagree with my interpretation of his remarks and the reason he is so keen on getting this bill in, then it implies that those people whom he views now as being overcompensated will no longer be overcompensated when this bill becomes law. In other words, those people who have a permanent disability and go back to work at full pay, the ones who are injured after this bill becomes law, will no longer get that lifetime disability pension.

**Hon Mr Sorbara:** They will no longer get a pension for loss of earnings.

**Mr Laughren:** That is right. Those people will get a lump sum as part of the dual award system because of the pain and suffering of losing some part of the functioning of their body. I used an example in this assembly the other day of a worker who became a paraplegic and was taken back to work on full pay by Falconbridge nickel mines.

What bothers me a great deal about the minister's position is that if a worker were to lose a hand, an arm, a leg or both, under the minister's new system of Bill 162, that worker would get a cash settlement under the dual award system. But if Falconbridge took that worker back at full pay, I ask the minister what that worker be getting from the Workers' Compensation Board after the pain and suffering settlement.

That worker would not get a lifetime disability pension. The worker would get the pain and suffering part of the settlement, namely, one half of the dual award system. That is what the worker would get if there were no loss of earnings. I make that point to the minister.

**Hon Mr Sorbara:** No, it is projected into the future, so that if it is likely that she is going to have loss of earnings, there would be an award. Falconbridge does not guarantee jobs that last until age 65.

**Mr Laughren:** Perhaps the minister does not understand his own legislation, because if the worker in the example I used went back to work with Falconbridge with full pay at a job, that worker is going to be able to perform until that worker is 65. There is no question that that worker is going to be able to perform that job until he is 65. It is not the kind of job that requires a great deal of physical exertion.

My point is that the minister seems to think that person who loses an arm, a leg or becomes a paraplegic is being overcompensated when he goes back to work at full pay and with a pension from the Workers' Compensation Board. That is really what is sticking in the craw of the minister.

I think there are a lot of people out there that the minister could view as being overcompensated in our system. Some of them have made the news in this assembly in recent months. But I want to tell members that people who are overcompensated in this province are not injured workers of any make, shape or description.

The minister has zeroed in on the most vulnerable group in our society, namely, injured workers, and said: "I have decided that some of them are being overcompensated and some are being undercompensated. Therefore, we will deal with the ones who are being overcompensated." That is exactly what he said. The minister keeps shaking his head, but if we read Bill 162 carefully, that is exactly what it is going to do.

A lot of us in the province who work a great deal with injured workers—it is certainly true of members of all three political parties; our constituency offices are indeed clogged in many cases with problems of workers' compensation—



understand what is coming down the road and why this legislation is unacceptable.

Does the minister really think that all those injured workers, their advocates and organized labour are a bunch of stupid people who just do not understand his legislation? That is what he is implying. He is saying: "I know what is best for you. You don't know what is best for you. Let me, Gregory Sorbara, tell you what is best for you. If you don't like this bill, it is only because you do not understand it." The minister has said as close to those very words as I can give you. So they have a hidden agenda out there.

I have listened to a lot of presentations on this bill and I want to tell members that most of the presentations were articulate and thoughtful. The people had read the bill and had talked to one another about the bill and came to the conclusion that it was not in their best interests.

The minister is saying they are wrong. They simply do not understand. How else could the minister say that this is going to be good for injured workers when the injured workers are telling him that they view it as being bad for them, and the minister persists? Why is he persisting in a bill that everybody it touches feels is wrong, feels that it is going to do workers more harm than good?

If the minister really wanted to do something for injured workers in Ontario, he would do a number of things: (a) he would withdraw this bill; (b) if he wants an interim bill, he would go back, consult with the very people who are most concerned about this legislation and draft a new bill; and (c) he would put in place at the same time, I suggest, a royal commission—we were just talking about this—to investigate the possibility of a universal sickness and accident system in Ontario.

The minister knows that the automobile insurance system is in a mess in this province. The workers' compensation system is in a mess. This bill is not going to make any improvements to the workers' compensation system. It is going to make it worse. At some point, this government is going to have to come to the conclusion that the answer is a universal system.

The problem is that it takes a lot of time to study that new system and to implement it so that there are not too many flaws when the government actually puts it in place. There is going to be a long time lag between the time the government finally comes to its senses and brings in a universal system and the day when it actually becomes law in Ontario. Unless the minister is looking 10 or 20 years down the road, he had

better get moving and establish a royal commission with a very specific mandate to do something upon the conclusion of its study.

I urge the minister to look at that seriously. Otherwise, the legacy he leaves is not going to be a pretty one. The minister surely is not going to be the Minister of Labour for ever and if he wants to leave a positive mark in that ministry, it would be to be the moving force behind a royal commission that looks into a universal sickness and accident system in Ontario.

**The Acting Chairman:** Are there any further questions or comments on section 1? If not, shall further consideration of sections 1 and 2 be postponed until tomorrow? You have until six tonight to bring in amendments.

**Some hon members:** No.

**The Acting Chairman:** You do not want to postpone it?

**1655**

The committee divided on whether sections 1 and 2 should stand as part of the bill, which was agreed to on the following vote:

Ayes 36; nays 1.

Section 3:

**The Acting Chairman:** We will now deal with section 3. Are there any questions or comments?

**Hon Mr Sorbara:** I will just point out that section 3 is one of those sections that we had determined would be stood down until tomorrow for consideration, given the deliberations of earlier on.

**The Acting Chairman:** It was agreed previously that section 3 would be deferred.

**Hon Mr Sorbara:** As well, section 3a was similarly the subject of discussion earlier on, that we would stand down consideration of that until tomorrow, given that the substance of the section was presented earlier on today.

**The Acting Chairman:** Shall section 3 be deferred?

Agreed to.

Sections 4 to 6, inclusive:

**The Acting Chairman:** We will now deal with sections 4, 5 and 6. If there are no comments on sections 4, 5 or 6, I will put the question.

**Mr Laughren:** We in this caucus believe Bill 162 is so badly flawed that it is impossible to draft amendments to improve it and that the entire bill should be withdrawn.

**1714**

The committee divided on whether sections 4, 5 and 6 should stand as part of the bill, which was agreed to on the following vote:

Ayes 39; nays 0.

Section 7:

**The Deputy Chairman:** The next section is section 7. Are there any comments or questions dealing with section 7?

**Mr Wildman:** Our caucus believes that Bill 162 is so badly flawed that amendments cannot improve it. We believe that Bill 162 should be withdrawn by the government.

**The Deputy Chairman:** Thank you. Are there other comments?

**Hon Mr Sorbara:** We have tabled a motion in respect of section 7.

**The Deputy Chairman:** Mr Sorbara moves that section 7 of the bill be struck out and the following substituted therefor:

"7. Section 27 of the said act is repealed."

Is there any discussion?

**Hon Mr Sorbara:** I have just a very brief comment. It is the repeal of a section that has been in the act for quite some time. It has nothing very much to do with the new system for compensation for permanent partial disability, nor does it have anything to do with vocational rehabilitation or reinstatement rights. Indeed, it is a section that has no further usefulness in the act, and therefore we are proposing at the committee stage that it be repealed.

The current act permits schedule 2 employers to commute their liability for an injured workers' claim by purchasing an annuity from a life insurance company. This can be done six months after the payment to a worker has commenced. The annuity is payable to the Workers' Compensation Board. What we are doing with this amendment is simply deleting that provision, as it has no further use in the act or the system.

**Mr Wildman:** I reiterate that this bill is so badly flawed that amendments cannot improve it. We believe that the minister should not be repealing just one section of the act, but he should be withdrawing the bill.

1735

The committee divided on Mr Sorbara's motion, which was agreed to on the following vote:

Ayes 41; nays 0.

1753

The committee divided on whether section 7, as amended, should stand as part of the bill, which was agreed to on the following vote:

Ayes 40; nays 0.

**Hon Mr Sorbara:** I would just like to point out that I am now proposing to withdraw a small number of the motions that were included in the package laid on the table at the beginning of the consideration in the committee of the whole of Bill 162.

The sections are as follows: section 3a, section 8a, section 22a, section 27b—

**The Deputy Chairman:** Do you mean 22b?

**Hon Mr Sorbara:** Just give me a moment. I am sorry, section 22b.

**The Deputy Chairman:** For clarification, sections 22a and 22b.

**Hon Mr Sorbara:** That is right. —section 28a and section 28b; as well, section 12, referring to subsection 41(1) of the act—

**The Deputy Chairman:** The only amendment that you have proposed for section 12?

**Hon Mr Sorbara:** That is right. —and section 15, referring to subsection 45a(2) of the act.

Once again, pursuant to notice of motion 6, I am laying two amendments on the table. These are, by the way, revisions to section 12 and section 15 of the act. I am providing a copy.

**The Deputy Chairman:** For clarification's sake, you are indicating that your proposed amendment to section 12 has now been revised and you are tabling that?

**Hon Mr Sorbara:** That is right.

**The Deputy Chairman:** As well, you are tabling another revised amendment to section 15, which deals with subsection 45a(2) of the act?

**Hon Mr Sorbara:** That is correct.

**Mr Wildman:** They will be stood down until tomorrow?

**Hon Mr Sorbara:** Yes, they will be considered tomorrow.

**Mr Laughren:** On a point of order, Mr Chairman: The minister, if I understood him clearly, is withdrawing those other amendments that he had previously indicated he was tabling until tomorrow. I know the time is short at this point, but I wonder if the minister can tell us why he is withdrawing those particular amendments. He might want to include in his remarks why he initially wanted to introduce them and now why he has chosen to withdraw them.

**Mr Furlong:** That's not a point of order.

**Mr Laughren:** It certainly is a point of order.

**Hon Mr Sorbara:** I would be happy to respond to my friend the member for Nickel Belt, just very briefly. The amendment to section 3a is,



as I indicated earlier, a rather minor and technical amendment but, practically speaking, it deals with a section of the act that was not dealt with in the initial bill, so we felt it was inappropriate to deal with that. The bill can live well and healthily without it.

A number of the other sections fall into a similar general category, and to avoid some of the difficulties that we had earlier on today, we have made a determination that we can proceed without them.

To deal specifically with the revisions to section 12 and section 15 of the bill, the members will note that I have moved to withdraw sections 28a and 28b. We have found that it would be more appropriate to incorporate those into sections 12 and 15 respectively. So the substance of what would have been done in sections 28a and 28b has been transported into sections 12 and 15 of the bill. They refer to those sections and can fit more appropriately in there than in a separate motion.

The long and the short of it is that, once again, there is no change in substance from what was being proposed, but in view of the objections that

we had heard earlier on, probably the most appropriate thing to do is deal with those sections under revisions to sections 12 and 15.

Might I also just say that those are the sections, that is, sections 28a and 28b, that ensure absolutely that any payment proposed under the new system of permanent partial disability will be fully indexed in accordance with the spirit and the letter of the Workers' Compensation Act. So out of an abundance of caution, we are making sure that the amendments are in the act where they should be when the act is passed and that those payments, and every payment that is made under those provisions, will be fully indexed. I am sure my friends of the New Democratic Party would want that to happen.

**The Deputy Chairman:** Mr Conway moves that the committee rise and report progress.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

The House adjourned at 1801.

**ALPHABETICAL LIST OF MEMBERS\***  
(130 seats)

Second Session, 34th Parliament

**Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC**

- 
- |   |   |
|---|---|
| Adams, Peter (Peterborough L)   | <b>Fontaine, Hon René</b> , Minister of Northern Development (Cochrane North L)           |
| Allen, Richard (Hamilton West NDP)  | <b>Fulton, Hon Ed</b> , Minister of Transportation (Scarborough East L)                   |
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| Beer, Charles (York North L)  | <b>Grandmaitre, Hon Bernard C.</b> , Minister of Revenue (Ottawa East L)                  |
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| Breaugh, Michael J. (Oshawa NDP)  | Hart, Christine E. (York East L)  |
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| Ferraro, Rick E. (Guelph L)   | Miclash, Frank (Kenora L)   |
| Fleet, David (High Park-Swansea L)  |   |



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 Neumann, David E. (Brantford L)  
 Nicholas, Cindy (Scarborough Centre L)  
 Nixon, J. Bradford (York Mills L)  
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 Pelissero, Harry E. (Lincoln L)  
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 Pollock, Jim (Hastings-Peterborough PC)  
 Polsinelli, Claudio (Yorkview L)  
 Poole, Dianne (Eglinton L)  
 Pope, Alan W. (Cochrane South PC)  
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 Rae, Bob (York South NDP)  
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 Reville, David (Riverdale NDP)  
 Reycraft, Douglas R. (Middlesex L)

**Riddell, Hon Jack**, Minister of Agriculture and Food (Huron L)  
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 Runciman, Robert W. (Leeds-Grenville PC)  
 Ruprecht, Tony (Parkdale L)  
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 Smith, David W. (Lambton L)  
 Smith, E. Joan, (London South L)  
 Sola, John (Mississauga East L)  
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 South, Larry (Frontenac-Addington L)  
 Sterling, Norman W. (Carleton PC)  
 Stoner, Norah (Durham West L)  
 Sullivan, Barbara (Halton Centre L)  
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 Tatham, Charlie (Oxford L)  
 Velshi, Murad (Don Mills L)  
 Villeneuve, Noble (Stormont, Dundas and Glengarry PC)  
**Ward, Hon Christopher C.**, Minister of Education (Wentworth North L)  
 Wildman, Bud (Algoma NDP)  
**Wilson, Hon Mavis**, Minister without Portfolio (Dufferin-Peel L)  
 Wiseman, Douglas J. (Lanark-Renfrew PC)  
**Wong, Hon Robert C.**, Minister of Energy (Fort York L)  
**Wrye, Hon William**, Minister of Consumer and Commercial Relations (Windsor-Sandwich L)

\*The alphabetical list of members appears in each issue. Lists of the members of the executive council, parliamentary assistants and members of committees, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.

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No. 45

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Second Session, 34th Parliament**  
Thursday 20 July 1989



Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 20 July 1989

The House met at 1000.

Prayers.

## ORDERS OF THE DAY

### PRIVATE MEMBERS' PUBLIC BUSINESS

#### DRUG BENEFITS

Mr Kormos moved resolution 22:

That in the opinion of this House, the government of Ontario should immediately amend the Ontario Drug Benefit Act, SO 1986, and relevant regulations so that eligible persons who require hypodermic syringes for the self-administration of prescription drugs or medication are deemed when purchasing hypodermic syringes to be purchasing a drug or listed drug product; further, that a drug or listed drug product purchased by an eligible person, outside of the province of Ontario, be deemed to have been purchased in the province of Ontario.

**The Acting Speaker (Mr M. C. Ray):** The member is reminded that he has up to 20 minutes for his presentation and may reserve any portion thereof for his windup speech.

**Mr Kormos:** This is really a relatively modest proposal. It is indeed in two parts. The two parts, although very much related, are in some respects very different.

It is my understanding that the only illness which requires the self-administration by syringe of medication is that of diabetes. Diabetes is a disease which has impacted or affected incredibly large numbers of Canadians and indeed people outside the country. But speaking in terms of Canada, we should be aware that approximately one million Canadians currently suffer from the disease diabetes, approximately 6.8 per cent of the adult population. In Ontario, it is estimated that some 540,000 people have diabetes. That includes both diagnosed and undiagnosed incidence of diabetes.

It is a disease which impacts on the young and the old, although it is conceded that one is more likely to acquire the disease as one ages. It is a disease which has some horrendous impact on the people who suffer from it. It is the leading cause of new cases of adult blindness. Diabetes accounts for approximately 30 per cent of new cases of kidney disease. Approximately 50 per

cent of all nontraumatic amputations in Canada occur in people with diabetes. Heart disease is twice as common and often more fatal in people with diabetes than in the general population. In Canada, we are told, approximately 50 per cent of people with diabetes have hypertension compared with only 20 per cent of persons without diabetes.

Diabetes can be and is life-threatening for those people who suffer from it. For as many as 20 per cent of those people who suffer from diabetes—and, as I say, it is life-threatening—the only resolution is a daily intake of insulin, and it is an intake which can only be administered by use of a hypodermic syringe. Diabetics who fall within that 20 per cent group are required to take anywhere from one to three or four injections daily, and it is the rare case who can ever expect to not have to self-administer insulin. Indeed, it is not just a likelihood but an extreme probability that they will have to self-administer insulin for the rest of their lives. It is a matter of staying alive.

Under the existing Ontario drug benefit plan, as we know, seniors are eligible persons under the Ontario Drug Benefit Act and have their medication compensated for. Persons who are on fixed incomes, persons who are in receipt of family benefits allowance or general welfare assistance are also the beneficiaries of the Ontario drug benefit plan. So we are dealing with really a modest number of persons in the total scheme of things who would be eligible persons who would be similarly suffering from diabetes, but we are dealing with persons who obviously are recognized to be ill capable of affording the cost of their prescription drugs by virtue of being on family benefits allowance or general welfare assistance.

We are talking about senior citizens whose incomes, in all likelihood, are severely restricted. Many live on very, very modest incomes, people who, because of their circumstances, are recognized to be eligible for compensation—in the instance of diabetics, for the cost of their insulin, but the essential tool to administer it, the hypodermic syringe, is not compensated for.



The cost of the individual syringe is, at first glance, relatively modest. The price of a syringe that a diabetic would be required to use is 25 cents a unit per syringe. But at the same time, we are talking about persons who are required to use one, two, three, four syringes a day on a daily basis, on a weekly basis, monthly, indeed on a yearly basis. We are talking about persons who can ill afford the increased financial burden that generates.

In the instance of a diabetic, the syringe is so thoroughly entwined with the drug itself, with the medication itself, that one cannot function without the other. It is impossible for that 20 per cent of diabetics who require injections of insulin to utilize the medication without utilizing a disposable syringe. I am sure it was but an oversight in the original drafting of the legislation in 1986 that resulted in syringes not being included as items for which there would be compensation.

There are 540,000 diabetics in Ontario, 20 per cent of them requiring the use of syringes, only a portion of those, of course, being within the class of eligible persons, that is to say, those people who would be normally eligible under the drug benefit plan. I am asking this House to endorse the proposal that these people who receive compensation for their purchase of medication also receive compensation for the purchase of the syringe that is essential to the medication.

The second aspect is somewhat broader, and that deals with the purchase of medication outside of the province. Currently, reimbursement for the cost of approved drugs prescribed for persons entitled to Ontario drug benefit is limited to those drugs obtained from an Ontario pharmacy or dispensary.

At first glance, that seems entirely appropriate and entirely logical. However, the instance was revealed to me of one Christina Green from Welland, a 73-year-old woman who travelled to New Brunswick in the latter part of 1988 to visit with her family. While there, she became ill and required medical attention. It was an illness that was unanticipated. She required hospitalization.

Part of the treatment that was required—it was not optional; it was not foreseen—was the use of prescribed medication. She purchased this medication immediately, as she should have, in New Brunswick; yet she was not entitled to compensation for that under the Ontario drug benefit plan.

That is a grossly unfair scenario, one which punishes Ms Green for a situation which is entirely unanticipated. Had she suffered from the same illness in Ontario, Ontario prescription

drugs would have been provided to her under the drug benefit plan with no question.

In the instance of diabetics—I am speaking, of course, of diabetics who will travel outside the province, on vacation or on business—insulin must be refrigerated; it must be kept cooled. The life span of insulin that is not cooled, that is not refrigerated, is very brief. Diabetics who found themselves outside of the province with their prescriptions, who were required to purchase insulin either to replace a spoiled bottle of insulin or to replenish a supply that had been depleted, would—like Ms Green, who suffered an emergency illness—be denied any coverage under the drug benefit plan, notwithstanding that had they been in Ontario, their home, that medication would have been provided for under the drug benefit plan—assuming that they were indeed eligible persons, that is to say, senior citizens or persons on the Family Benefits Act or General Welfare Assistance Act.

It is in some respects the corollary of the first part of this motion, when one considers the dilemma and the unenviable status of diabetic persons, that diabetic persons are required to use a drug daily provided in liquid form which is injected, a drug that must be preserved in a cooling situation, a drug that would spoil otherwise. It is the corollary of considering their plight that they should be allowed to purchase drugs outside of the province if they are normally resident in Ontario.

It is expanded, though, when one considers that seniors should not be denied the opportunity to travel and should not be denied the opportunity to visit relatives or merely tour outside the province with the fear that if they are struck by an emergency medical situation, drugs that would be available to them in Ontario are denied them outside the province, although within the country.

Any concern about the amount of moneys paid could be resolved by a schedule, that is to say, compensation would be limited to amounts that would normally be paid out for the drug here in the province.

The Canadian Diabetes Association has indeed called upon this government to provide financial assistance for all diabetic residents of Ontario for their diabetic supplies. Presently, only senior citizens have their insulin and blood-testing strips covered through the Ontario drug benefit plan. Those under 65 have no government coverage. The cost of syringes, blood glucose monitors, strips, insulin and additional costs associated with the necessary



diet amount to approximately \$2,500 a year. This is an onerous expense for many persons here in Ontario.

When I comment that this motion is indeed but a modest proposal, it is asking that effect be given only in part to the request and recommendation of the Canadian Diabetes Association, that is, that the Ontario Drug Benefit Act as it currently stands be amended so that diabetics who require insulin, where that insulin is paid for under the plan, also have their syringes paid for under the plan at a modest cost, but one which is a significant hardship to those same persons.

Similarly, it is asking that diabetics or other persons requiring medication outside the province, when they are normally resident in the province, be entitled to have compensation through the Ontario drug benefit plan as they would have were that drug purchased here in Ontario. As I say, any concern about increased prices could be dealt with by way of an Ontario schedule that would limit the amount of compensation to what that particular medication would have cost here in Ontario.

I can tell members that seniors across this province would be oh so grateful for that modest concession to their interests and needs.

**The Acting Speaker (Mrs E. J. Smith):** Does the member wish to reserve the whole of his time for conclusion.

**Mr Kormos:** Yes, please.

**Mr McLean:** I am pleased to have this opportunity to say a few words about the resolution of my colleague from the riding of Welland-Thorold.

In simple terms, this resolution calls on the government to amend the Ontario Drug Benefit Act to enable eligible people who require hypodermic syringes for self-administration of prescription drugs or medications to have them considered as a drug or a listed drug product. As well, the resolution says that any drug or listed drug product purchased outside Ontario by eligible people be deemed to have been purchased within Ontario.

In other words, hypodermic syringes purchased by eligible people for self-administration of drugs or listed drug products and specific drugs purchased outside Ontario by eligible people should be covered by the Ontario Drug Benefit Formulary.

I want to make it clear that I support this resolution in principle, with certain reservations. I think the key word used in this resolution is the word "eligible." We are talking about eligible people under the Ontario Drug Benefit Act, such

as senior citizens, welfare recipients and others on fixed or low incomes who simply cannot afford to purchase their medications, let alone the hypodermic syringes that may be required to administer this medication. We are not talking about providing clean hypodermic syringes free of charge to addicts or those who abuse drugs as a form of recreation.

## 1020

We are all aware that many children and senior citizens require hypodermic syringes because they are diabetics and must inject themselves with insulin. There are also many others who must self-administer other forms of medication to keep healthy. I find it rather strange that many of the drugs or medications these people must self-administer through injections are covered by the Ontario Drug Benefit Formulary but the means for self-administration, in this case hypodermic syringes, is not. In other words, the formulary provides certain drugs or medications to those who cannot afford them, but the means to administer these drugs or medications that many people also cannot afford to purchase are not covered. That simply does not make sense.

There are people who are eligible to have their drugs or medications covered by the Ontario Drug Benefit Formulary but only if these drugs or medications are purchased within the boundaries of this province. What happens if they are outside Ontario, for whatever reason, and the need for these drugs or medications arises? They have to rush back home to purchase the necessary drugs or medications to have them covered by the formulary; they must dig into their own pockets to buy these drugs or medications when they already know they cannot afford them, or they have to do without and jeopardize their health. None of these solutions is acceptable to me.

I think these eligible people should be permitted to purchase the drugs or medications that are eligible under the formulary outside Ontario and then be reimbursed once they return to Ontario, but only if they still reside in this province. This must not apply if they have moved to another jurisdiction. They must have resided in Ontario for at least a year to qualify.

From my comments I think the members can determine that I support the resolution of the member for Welland-Thorold in principle. By including hypodermic syringes for the self-administration of eligible drugs or medications and by including the purchase of eligible drugs or medications outside Ontario, I realize it will lead to increased costs to the drug benefit plan. Therefore, before the act is amended in the



fashion suggested by the member for Welland-Thorold, I recommend cleaning up the drug benefit plan, because we all know it is out of control.

The drug utilization report concluded that Ontarians consume more drugs and spend more on their health care budgets than any other society in the world. The average person covered by the Ontario drug benefit plan fills 23 prescriptions each year. That is almost one every two weeks. Evidence shows that increasing drug use, irresponsible prescribing and adverse reactions in patients taking several medications are creating a significant health problem and driving up the cost of the drug benefit plan. It has been estimated that 20 per cent of hospital admissions of geriatric patients are for adverse drug reactions or errors in drug dosage.

Another problem relates to the host of drugs being routinely prescribed that are not listed in the Ontario Drug Benefit Formulary. Many of these drugs are costly and have been proven to have therapeutic value, but special authorizations to prescribe these drugs can be obtained only for individuals covered by the Ontario drug benefit plan, such as senior citizens and people receiving social assistance. Between 1976 and 1983, there was a substantial increase in special authorizations for drugs, from 11,000 to 100,000.

I said earlier that the drug benefit plan is out of control. We can look to recent Ministry of Health statistics to see this. Ministry expenditures on the plan increased from \$72 million in 1977-78 to \$498 million in 1987-88. That is an increase of 591 per cent over that period, or an average increase of 21 per cent.

We can all see that the drug benefit plan is clearly out of control. It has resulted in over-medication for citizens and is costing taxpayers an excessive amount of money each year. That excessive amount continues to grow at an alarming rate with each passing year.

I have always maintained that each person in Ontario should be issued a so-called smart card, much like a plastic credit card, to make people aware of the cost of drugs, services or each visit to the doctor. Intervention must occur to curb misuse of the Ontario drug benefit plan and to reduce this excessive cost.

Far too many people take our health care system and the Ontario drug benefit plan for granted, and actually believe there are no costs attached to a stay in a hospital or a visit to the doctor or the prescription of drugs or medications. We have all come to expect too much from

the system. We must develop a new attitude towards our health care system. Nothing is for free.

There must be changes, because just about everyone in Ontario uses the system. All of us are affected throughout our lives. Good health is vital to our wellbeing. All of us have the dual responsibility during our lifetimes to establish healthy lifestyles and avoid abuses of our health care delivery system.

Government must become more aware in looking for alternatives to reduce costs. The government and its bureaucracy must maintain and improve the quality of our health care delivery system within the framework of fiscal responsibility and common sense. There has to be another alternative other than unpopular tax increases. Remember, as I said earlier, nothing is free.

Ontario's health care system is not cost-effective, which results in the grave danger that quality will decline if change does not occur.

I support the principle of this resolution from the member for Welland-Thorold, but I think there needs to be a great deal of work done on our health care delivery system and a major overhaul of the Ontario drug benefit plan. But I do not support it in so far as I believe the means of administration of drugs and medication covered by the Ontario drug benefit plan should also be covered, and those eligible for coverage of their drugs and medication should have the coverage extended beyond the borders of this province if the need should ever arise. But the government has to clean up the entire health care delivery system. There is a crying need for such action.

I think the most important part of this resolution is the syringes for the insulin that the diabetics need. This is an excellent resolution and has many good points. Our party will be supporting it and I would hope that everyone in this Legislature would support it, as I think it is a benefit to those people who can least afford it and it is those people who need this help.

**Mr Keyes:** May I first congratulate you, Madam Speaker, on assuming a new chairmanship? It is the first occasion I have noticed in here. I am sure you will bring that same ironclad justice to it as you did in another portfolio.

This resolution is one of those issues I am very prepared to speak on, because it is a very worthy issue raised by the member and supported by another worthy member. I know the issue will gain a lot of sentiment among members of this House and among the community, particularly those persons who by necessity must use insulin



and inject it by means of a syringe, and certainly from their families and friends.

But I do not consider that the method proposed by the honourable member for Welland-Thorold really is the appropriate way to look at this issue; that as laymen here we should be making a decision to revise the Ontario Drug Benefit Act. I consider that there are procedures in our Health ministry which will deal with it in a much more appropriate way. I want to go back and make some reference to some of these issues.

First, if we want to include new drugs or devices or anything like that, we turn not to the laymen but to the experts to determine and make recommendations to us. I refer, of course, to the Drug Quality and Therapeutics Committee. This is an independent advisory group composed of specialists in medicine, pharmacy, pharmacology and epidemiology. That is the group outside of the ministry that makes recommendations to the government regarding the inclusion of any drug products in our ODB Formulary.

#### 1030

The committee always bases its recommendations on factors such as the results of drug testing, evaluation of technical and clinical documentation submitted by the manufacturers, and the inspection of manufacturing facilities. Therefore, when products are listed in the formulary and are dispensed in Ontario, eligible recipients can be assured of receiving quality medication; quality assurance is one of the things I will try to touch on later in my remarks. If we are to add new drugs or devices to the Ontario drug benefit plan, it should be done through the Drug Quality and Therapeutics Committee.

I think also that we should first take a look at the Ontario drug benefit plan and its purpose. The Ontario drug benefit plan, as has been referred to by the member for Simcoe East (Mr McLean), now covers approximately 1.6 million people in this province—virtually all of our Ontario residents who are over 65 and those residents under 65 receiving family benefits allowance, general welfare assistance, extended health care benefits, home care benefits or who are residents of a home for special care. Those people get certain prescribed products, including insulin, if they are eligible recipients.

But I think we should remember that since its inception, the Ontario drug benefit plan has been designed to be of somewhat limited assistance, both in terms of the people eligible and the benefits provided. There are many benefits and needs of people using medication that are not provided under ODB plan, such equipment as the

syringes we were referring to, needles, rubbing alcohol, absorbent cotton, those necessary ancillary supplies that are not provided and never have been.

We would like to draw attention to the fact that the whole issue of syringes and their appropriateness to be included in one program or another of the government did receive a fairly considerable hearing some time ago. That was under the assistive devices program. The assistive devices program, as we are all aware, was established to contribute towards the cost of rehabilitative or specialized devices for those individuals who have a long-term functional disability.

As the program was set up, these devices were to support or replace a weakened or absent part of the body. At the time, the funding of syringes was considered but not approved, with the argument that this program was not funded in order to provide a financial contribution towards the purchase of devices which are used to administer medication. Again, we must remember that we are not talking only about medication for insulin: There are many other diseases treated by drugs which must be administered through a needle or syringe.

Accordingly, then, our assistive devices program has not paid for syringes used for medication, but where there is a financial burden in the acquisition of any medical aids or devices the Ministry of Community and Social Services may provide assistance under the program. If individuals are hit heavily by the financial constraints, they should work through that ministry.

That brings me to the role of CDA Ontario; what it has requested of the government and what it has done. As members know, on 7 June the Minister of Health (Mrs Caplan) announced additional funding to CDA Ontario of \$500,000. This was in response to the representation made by CDA Ontario so it could purchase the home blood glucose monitors, which is one of the major areas that has been brought to our attention. Our funding has increased, to the extent that \$1.1 million will be spent this year.

CDA Ontario currently gives some financial support to more than 7,500 diabetics of all ages in all parts of the province, enabling them to purchase the equipment. Of these, some 3,072 were enrolled in the program for the first time last year, and this year it is expected that another 3,000 people will be enrolled. I think we have to acknowledge that the assistance the government is giving comes in an area where we are finding more and more people, as the member for Welland-Thorold has said, coming into the



program, more of them being recognized. The home glucose blood monitors is the area that will give them greatest assistance, which they have sought. There will be an increase of as many as 3,000 next year.

We should go back for a moment and look at the monitoring program, because I think the member made an error in his statement that should be corrected for the record. He said that no one under 65 was assisted. The program started four years ago and provided financial support to the diabetics who were 18 years of age and younger for the purchase of monitors and testing supplies. It started out with 260 clients, but in 1987-88 it included adults. CDA Ontario administers the program and provides advice on the use and maintenance of the equipment.

The home glucose monitor is perhaps one of the most expensive items in the insulin user's lifetime, because it costs about \$250. CDA Ontario pays 75 per cent, and the client the remaining 25 per cent. CDA also provides up to \$500 per person for the test strips that are used. Once again, there are diabetics who, by reason of economic necessity and on the recommendation of their physician, can receive additional assistance in purchasing a monitor.

In closing, I look at the Lowy Inquiry into the Acquisition, Distribution, Dispensing and Prescribing of Pharmaceutical Medications, because that is the organization we have currently asked to have the responsibility for examining all aspects of the government's role and influence in the prescription drug marketplace.

We respond quickly to their recommendations. In their second quarterly report, they recommended that we should be providing assistance to those persons with cystic fibrosis or thalassemia. Again, the reason was based on cost, because it recommended that a person with cystic fibrosis may have drug and drug-related therapy bills as high as \$8,000 a year, and bills for persons with thalassemia may run as high as \$25,000 a year.

We have responded to that on the recommendation of a professional group, the Lowy drug commission, of which the chairman of the Drug Quality and Therapeutics Committee is a member. It is an ongoing commission from the standpoint of recommendations. We will be spending an estimated \$5.1 million a year on the cystic fibrosis program.

I suggest that the government has reacted in the areas of greatest need. Therefore, I cannot support the resolution, based on the in-a-sense unprofessional recommendation here.

**Mr Reville:** I rise and support with great pleasure the resolution of my colleague the member for Welland-Thorold. I want to tell the members of the Legislature that I am deeply disappointed by the reaction of the member for Kingston and The Islands.

First, he seeks to diminish the importance of the resolution by saying that this is an unprofessional piece of advice and goes into a fairly boring, bureaucratic description of the assistive devices program, the Ontario drug benefit plan and the Drug Quality and Therapeutics Committee.

He describes the programs accurately enough from a bureaucratic point of view, but it is absolutely foolish of the member to suggest that the decision to provide syringes or not is a medical decision. That is preposterous. It is a political decision.

What any of the pharmacologists who serve with the Drug Quality and Therapeutics Committee will tell the minister, if she were to ask for their advice, which she occasionally does, is that you must administer insulin with a syringe and that you must do that between one and four times every single day of your life, for the rest of your life; that hypodermic needles cost about 25 cents each and that you will have to buy a new one every time you need an injection or you will be risking infection. That is the kind of advice that would be given by the Drug Quality and Therapeutics Committee. In fact, as the groups that work to support diabetics will say, diabetes is the only disease that absolutely requires medication to be administered by injection.

**1040**

What we see is persons contemplating an expenditure of \$1 a day, at the top end, every day for the rest of their lives, unless some medical advance happens between now and the end of their lives. There will be an increase, as the Premier (Mr Peterson) reminds us, in the cost of needles, as there is in the cost of milk and clearly, under this government, in the cost of car insurance.

The minister's aide, the parliamentary assistant, points out that maybe this should not be done, because (a) the professionals have not recommended it and (b) the syringes are not the difficult part, not the major cost of blood glucose, monitoring being the major part. Again, that is a goofy kind of argument if you ask me. When one has diabetes, there is an array of paraphernalia that is required, as has already been described by other members in the debate. One of those pieces of equipment is a device to



measure how your glucose is doing and whether or not your insulin is appropriately dealing with your illness.

It is good that there are ways to reduce the cost of glucose monitors for people. What the member for Welland-Thorold is indicating is that through the device, through the mechanism of the Ontario drug benefit plan, we could make life easier for diabetics by picking up the cost of the equipment they need to self-administer the drug they need.

It is clearly a political decision. Do we, who are charged with making these kinds of decisions, think that we could extend to our fellow citizens, some 540,000 of them, a benefit to improve their lives? The method that has been suggested by the member for Welland-Thorold is through the Ontario drug benefit plan under the Ontario Drug Benefit Act, so that those who are most in need, the elderly and those of very low income, would not have to shell out for their syringes. They would not have to go on bended knee to their worker and say, "Could you give me some help with the purchase of this equipment that I need?" They would be entitled, as a legislated, mandated right, to have these administering devices that are absolutely essential.

The member for Kingston and The Islands also mentioned the Lowy inquiry, as though the Lowy inquiry would somehow provide some justification for the curious position that he has taken. I should remind members of the Legislature that the Lowy inquiry was established by the government following the release of alarming information: that doctors' prescribing practices were terrible; that many of the drugs listed in the Drug Benefit Formulary and on the special authorizations list were harmful, too expensive or of little therapeutic value; that seniors particularly were being overmedicated, both in the community and nursing homes, and that 20 per cent of all admissions of elderly persons to hospital were related to adverse drug reaction, a catastrophe that is costing this province \$1 million every day—\$1 million every day.

Quite properly, the Drug Quality and Therapeutics Committee had been pointing out to the government over a number of years that this was a problem of great concern to it, and regrettably the government did not listen. Outraged by the refusal of the government to listen to this advice, which of course the member for Kingston and The Islands is saying we should now listen to, even though they are not giving that advice, virtually everybody on the Drug Quality and

Therapeutics Committee resigned, particularly the two previous chairmen.

Dr Lowy did indeed recommend that the state cover the costs of medications for those who suffer from cystic fibrosis and thalassemia, not on medical grounds, but on the grounds that the treatment that people were required to seek for those conditions was very expensive: \$8,000 in the case of those with cystic fibrosis and up to \$25,000 in the case of those with thalassemia.

Surely by the same logic one could say that suffering from diabetes is an expensive situation, an expensive human condition, up to \$2,500 a year to cover the cost of administering and monitoring the insulin, and therefore it would be good public policy to protect those citizens of Ontario from the burden of carrying that cost themselves, particularly those who are least able to carry it.

Perhaps I should say in conclusion that, probably every morning, members of this Legislature have an opportunity to walk by the Banting and Best Institute, which is just down the street. I think that, on an emotional and historical basis, if nothing else, it would be appropriate for this province and this government to recognize that the device that you need to administer the drug that was invented down the street from here should be made available to people who cannot afford it at the cost of all of the citizens of Ontario. That seems to me to be a fitting tribute to the ingenuity of two of our citizens of this province.

**Mr Elliot:** I would like to commend the member for Welland-Thorold for a very good resolution as well. I would also like to commend him at the same time for framing the resolution in such a way, from an opposition point of view, that it is almost an ideal kind of resolution, in that the first half of it really tugs at the Liberal strings of my heart, but from the semicolon on, it makes it almost impossible, from a government point of view, to support.

As far as supplying the hypodermic syringes for people who require them in their medication is concerned, particularly those who are eligible, I think that idea has been expressed several times as being an extremely fine one, but at the semicolon the resolution goes on to say, "further, that a drug or listed drug product purchased by an eligible person, outside of the province of Ontario, be deemed to have been purchased in the province of Ontario."

That is the kind of open-ended statement that a person on the government side has to take a look at, and the first thing you have to be very



cognizant of there is the potential cost associated with such an open-ended statement.

**1050**

I believe that because the Lowy inquiry is examining all aspects of the government's role and influence in prescribing drugs in the marketplace and that because the Lowy inquiry's final report is expected by the end of the year, really as far as the good part of the resolution is concerned, the timing of implementation of that particular aspect of the resolution would come after the professionals on that particular inquiry, or who report to that particular inquiry, have reported, have completed what they have to say and the Lowy inquiry has reported to the government on that.

In the interim, I think it should be noted that, for the purposes of people who might be listening to this who really need financial support where there is a financial burden in the acquisition of medical aids or devices, the Ministry of Community and Social Services may provide assistance under its programs. If any individual is in financial difficulty because of acquiring this kind of device, he should contact the local office of that particular ministry.

I have two or three concerns with respect to the purchase of drugs and related paraphernalia outside of Ontario. That particular part of the resolution is open-ended in two regards. It does not say whether it is outside of Ontario but in Canada or whether it is outside of Ontario, period, which means it is global. I think two or three things should be pointed out there.

First of all, Ontario drug benefit plan recipients who leave Ontario, for example, if they go on a holiday, at the present time can receive up to a 250-day supply of medication to take with them. In order to remain eligible for these benefits, they must reside in Ontario for at least four uninterrupted months in any one year. If the program paid for drugs filled outside Ontario, it would be very difficult to monitor resident eligibility. I really do not see how we could do that with the four-month residency involved, that particular kind of criterion.

As stated, the resolution also requested payment for drugs eligible for reimbursement under the Ontario drug benefit plan when dispensed outside Ontario. However, there is no assurance that the drugs dispensed outside of Canada have the same formulation as those approved for listing in Ontario. Furthermore, the reimbursement formula which would be used for assessing claims may differ from that actually paid by the recipient. Also, claims are not subject to audit

because the pharmacies are outside Ontario's jurisdiction.

If the intent of the resolution is to pay for all drugs dispensed outside Ontario, including those which are not benefits in Ontario, the lack of quality assurance might result in the program paying for drugs of questionable therapeutic efficiency. Also, some recipients might fill their prescriptions outside Ontario in order to circumvent decisions not to include certain drugs as benefits in Ontario, for example, expensive so-called miracle drugs which lack proof of safety and efficiency.

Another complication which may arise is the use of mail order pharmacies, which are common now in the United States.

I did not want to speak too long on this particular resolution, but I did want to indicate the one aspect of the resolution which I find very palatable and which really could be quite worth while. I think when the Lowy commission reports, one of the things it might very well be amenable to is the extension of the drug benefit plan to this particular aspect of medication. But because of the wording beyond the semicolon with respect to the giving of drugs outside of Ontario and outside of Canada, which I have already read into the record, I cannot support this resolution.

**Mr Kormos:** I thank the member for Simcoe East, I certainly thank my colleague the member for Riverdale (Mr Reville) and I thank the member for Halton North (Mr Elliot) for his sympathetic criticism of the resolution. Indeed, I appreciate the comments that were made by all members on this resolution.

I want to reiterate once again, and it has been said a couple of times, that diabetes is the only disease known to us which must be controlled by the use of syringes. Diabetics have no option. They want to stay alive.

Let's look at the economic burden of the disease diabetes itself. Each year, patients with diabetes or complications spend some 24 million days in the hospital. A conservative estimate of total annual costs attributable to diabetes is \$13.8 billion.

The full economic impact of the disease is even greater because additional medical expenses often are attributed to the specific complications of diabetes rather than to diabetes itself. For example, annual hospital costs for amputations related to diabetes exceed \$350 million. Perinatal complications resulting from maternal diabetes usually require care in a neonatal intensive care nursery at a cost of some \$10,000 a week. The



annual cost to medicare for diabetes-related end-stage renal disease is more than \$330 million, a figure that is expected to double in the next decade.

The Canadian Diabetes Association has indeed called for all persons with diabetes to be provided with syringes. That is not what this resolution proposes. I am well aware of the monitor for health program, a \$1.1-million program administered by the Canadian Diabetes Association, which assists people in acquiring various mechanical devices, testing units and so on, so they can do self-administered tests for blood glucose levels and so on.

What we are talking about is appreciably a twofold resolution:

First, what this resolution proposes is that just as "eligible persons"—because all this speaks of is those diabetics who are seniors and considered eligible persons for the purchase of medication or prescription drugs under the drug benefit plan, those persons on family benefits and welfare assistance—are entitled to receive appropriate medication that is listed in the schedules and regulations to the drug benefit plan, they be entitled to receive payment for syringes like this which they have to use on a daily basis. They have no choice. Without the syringe to administer the insulin, they die.

We are talking about people with the unenviable and unpleasant prospect of having to use syringes like this one to four times a day for the rest of their lives—not just for an intermediary period of time, but for the rest of their lives. We are talking about a drug benefit plan that provides for the medication, but, unless the syringe is provided as well, the medication is of no use whatsoever to and cannot be effectively used by the approximately 20 per cent of diabetics who require syringes like this.

I talked about the incredible social cost. Part of the incredible cost from the secondary and tertiary problems related to diabetes results from inappropriate medication. What I am also fearful of is that those persons least able to afford the financial burden this creates—and I am speaking of those persons with diabetes—without the benefit I am speaking of, might be inclined to use a syringe more than once and run the risk of secondary diseases that are associated with that. They might be inclined not to self-administer the insulin as regularly as required, and again, the secondary impact of that is not just an impact on that person but an impact on the community as a whole.

Second, the other half of the resolution addresses issues directly concerning persons with diabetes. As I indicated before, insulin has to be refrigerated. A diabetic person, a person with diabetes who travels, for whatever reason, either consumes the whole supply of insulin—I can appreciate what was said. I have made inquiries and I understand that if the medication is in tablet form, sure, a 250-day supply can be provided, but a 250-day supply of insulin cannot be provided in advance unless refrigeration is available to the person who is required to use it on a daily basis.

#### 1100

That also begs the question of the dire straits Ms Green found herself in. That was the woman of whom I spoke earlier, the 73-year-old woman who travelled to New Brunswick at Christmas-time in 1988, who became ill, who did not expect to become ill, who was hospitalized, who was treated appropriately by doctors there and for whom part of the treatment was the prescription by a doctor of some medication, the total cost of which ended up being a couple of hundred dollars. There is a senior citizen who is eligible under the drug benefit plan for payment for her cost of medication, who similarly should be eligible when she chooses to travel to New Brunswick and is struck down with an unanticipated illness.

The problems that are raised can be dealt with. I urge acceptance of the motion so that those problems can be addressed.

**The Acting Speaker:** The time allotted for this ballot item has expired.

Mr Cureatz, the member for Durham East, is recognized in order to introduce his motion.

**Mr Cureatz:** It is going to take me not quite half the hour I have to read it, but for all those in attendance, especially the students who are in the galleries, I will try to make it a little interesting for them on a dreary old Thursday morning.

#### ELECTRICITY DEMAND AND SUPPLY

Mr Cureatz moved resolution 19:

That, in the opinion of this House, recognizing the importance of a reliable supply of electricity to individuals in their homes and to the economy in general for job creation, industry, and commercial establishments, and recognizing that several studies and reports have shown Ontario Hydro does not have the capacity to supply forecasted demands of electricity for the year 2000, and that it will take at least eight years to approve and construct a new generating station,



and that this government has known since 1986 it will need a new generation station to meet the demands of the mid- to late-1990s; the government of Ontario, and in particular, the Minister of Energy, should direct Ontario Hydro to initiate any aspects of the process to establish a new generating station that can be approved in advance, such as the site selection process, with consideration that it could be a station using one or more sources of fuel to ensure Ontario Hydro meets its obligations to provide all Ontarians with a reliable supply of power in the next decade.

**The Acting Speaker (Mr M. C. Ray):** The member is reminded he has up to 20 minutes for his presentation and may reserve any portion thereof for a windup speech.

**Mr Cureatz:** I do anticipate reserving some of my time for the opportunity of rebuttal. I see that the resolution was so wonderful our students are now leaving. It is somewhat disappointing in terms of what one is trying to accomplish.

Let me speak to whomever is watching on television. I do not think there are going to be too many people sitting around on Thursday morning—unless maybe via satellite in northern Ontario, if it is raining and they do not feel like going fishing—who are tuning me in thinking, “What’s going on at Queen’s Park?”

I have a funny feeling that late in the evening, as people with nothing better to do are turning the television dials, they may happen upon this very instant on the replay. As they say in television, “Don’t touch that dial,” because we have something interesting to talk to you about. It is electricity, boys and girls, and you should gather around the TV instead of the campfire, because do you know what makes that television work? Electricity, and we have some concerns in Ontario about electricity.

We could go on at great length. We are going, for the few moments we have, to refresh people’s memories about electrical production in Ontario. I have to refresh everyone’s memory, more importantly the people who are listening, because they are saying: “Who is that guy, anyway?”

I must remember to comment to those who are watching from the fine riding of Bruce, because the member for Bruce (Mr Elston), the Chairman of the Management Board, indicated that he had a group of people down last week and they were so disappointed that I was not in attendance. I do not know why I was not; I should have been. In any event, I apologize profusely, and I hope that upon another sojourn their member will advise

me in advance and we will greet them with open arms at another time.

To refresh everybody’s memory: To make electricity, you have to turn a turbine. You turn the turbine; it turns a rotor on top; you have large magnets and they send out electricity through these huge transmission wires across Ontario. “Rudimentary,” someone says.

That electricity is made, sort of, in three ways. I know all the Liberal backbenchers will really appreciate this, because is there not someplace better they would rather be on a Thursday morning?

First, you have falling water: Niagara Falls. The water comes down and they put it through great big chutes. In the various committees I sat on, we had the opportunity to go. The water goes down and turns these turbines and, presto, we have electricity coming out of the Niagara Falls area. That has produced one third of the power for the province in terms of electricity.

Then we have coal, oil and gas. That produces roughly another third, so there is 60 per cent. Then, I say to my colleague the Energy critic for the New Democratic Party, 40 per cent is produced by nuclear power. We have site locations at Bruce, Pickering; in my own riding of Durham East we have Darlington, which is presently under construction and will come on stream this fall; we have some smaller units along the Ottawa River which are being phased out of production.

We have the production of electricity in terms of those three major sources. The difficulty arises that at the moment there is some projection that we are going to be running out of electricity; conversely, the demand for electricity is going to be increasing in terms of what we can supply. Do we run around and look at the sky and say, “The sky is falling”? I am not one to be so panicky, but we can be in the position to be a little panicky if—here it comes; do I hear a drumroll?—this Liberal administration does not do anything to get its act together in terms of the construction of a new generating facility.

I hear the people screaming at home: “What’s going on? Does that mean that if we turn on the light switch at home, the lightbulb won’t go on?” That is exactly what it means.

Why am I bringing in this resolution? Let’s talk turkey, as my leader said yesterday. The reason I am bringing in this resolution is to try to embarrass this government, which, as we have seen over the last month, has no shame. No shame? Well, a little shame, I say to the member for Mississauga West (Mr Mahoney). My



attempt is to try to embarrass them so they will sit up, if it is at all possible, and take consideration of the fact that indeed we are going to need more electricity.

I know this government has had lots of other things on its plate over the last six weeks, which I will not review, because, as I indicated before, all those other wonderful things that have taken place are more the purview of my illustrious colleagues who sit on the front benches of our two opposition parties.

I want to centre on an important issue that is going to be with us for a long time. The various so-called scandals are going to come and go, but this one is with us and is going to be with us. It is a major issue we have not been—not “we”; not my colleagues from the official opposition and not us: I have yet to get used to calling ourselves the third party. This government has not been centring on issues.

I say to all the backbenchers, most of whom will not be here after the next election anyway so they might as well just sit back and enjoy my little talk: Do they know what is going to happen? If they wind up with a brownout in their constituencies, they are going to be answering the phone, or their staff is, and they are going to have to try to come up with an answer why this government has led the province to the position of being short of electrical power.

**Mr Ruprecht:** Name names.

**Mr Cureatz:** The honourable member says, “Name names.” All I have to do is hold up the sheet and I can go over all the members in the various seats and single out those in particular who will not be back for the next sojourn. If I name names, it would use up all my time and I would not discuss my resolution, so I will save that for another topic. We have two more years to go here, so they can just enjoy all their fanciful impressions of how they are going to get back, because most of them are not.

“Is there a concern?” I hear. I say to my friends in the official opposition and the member for Hamilton Mountain (Mr Charlton) that he and his party—and he has sat with me a number of times on the various select committees on energy; I am sure we will hear from him—come to the problem from a different approach. But I respect their position; at least it is a position.

1110

Their position is that if you conserve enough electricity— They came up with the Passmore Associates research a couple of weeks ago. I will refresh the memories of those at home. Roughly speaking, Ontario needs about 25,000 mega-

watts to run the province and at present Ontario Hydro is producing the 25,000 megawatts; these are rough terms. The difficulty is that it would appear we would need, through various projections, another 5,000 megawatts maybe by the end of the next decade.

Where do we get the 5,000 megawatts? The official opposition indicates that it can be obtained by conservation: various appliance uses, taking a look at better insulation, etc. My feeling and our party’s feeling is that all those are indeed worthwhile goals, but our projection is—you have to look into the crystal ball, but it is better to be on the safe side than on the sorry side—as we look into the crystal ball, our projection is that notwithstanding the conservation the official opposition has indicated, we are still going to be needing another major electrical supply plant.

Who else says so? Interestingly enough, last week there was a meeting with AMPCO, the Association of Major Power Consumers in Ontario. Unfortunately, due to the Shriners’ parade, yours truly was caught—where else?—in traffic, but the association did meet with our leader to indicate some concerns it has. They left with us Scanner, with a nice picture of the Minister of Energy (Mr Wong) on the front. Here is what they indicated in their opening remarks:

“Ontario stands on the threshold of a crisis in electricity supply. Brownouts, blackouts, even the possible loss of investment and jobs lurk just around the corner unless the province commits to building a major new generating facility immediately. That is the key message that leading industry leaders will take to the Ontario public this summer and fall, as part of the high-profile public awareness campaign launched recently by the joint industry task force, JITF.”

In a speech delivered by Bill James of AMPCO back in April this year:

“Today you are going to hear about the concerns of industry regarding the prospect of power shortages in Ontario in the relatively near future. In August last year, there were six or seven occasions when power supply to Ontario industries had to be interrupted because of less than adequate reserve margins on the Hydro system. It seems that only when we get to the point of general brownouts and blackouts will there be any urgency applied to getting on with the job of planning and decision-making, and by then it will be far too late to avoid lost opportunities for growth in employment and the Ontario economy.”



We have to remember that the major users of electricity, in terms of large industries, are employing thousands of people in Ontario. So what are we talking about, when it comes down to the bottom line? Job losses or job postponements.

For instance, in the city of Oshawa, of which I represent the north portion—in the past 10 years I have had the wonderful opportunity of representing almost half the city; now my learned colleague the member for Durham Centre (Mr Furlong) has the opportunity of representing that fine area, as I had, and we will see if he is going to do such a wonderful job as maybe I did the last go-round if he gets re-elected—if the line at General Motors has to be shut down because one of the transmission lines is not carrying enough electricity to make the line go around, the 7,000 to 8,000 people who are working at GM will have to be sent home because there is no electricity.

No one thinks about these things. We get carried away from day to day with some of the high-profile issues in the major newspapers, but if we have a brownout, a blackout or if people are being sent home, or if they go home and cannot turn on the switch because there is no electricity, then there will be someone to answer for it, and it is going to be this government, as tedious as this topic is.

Is this government going to do anything? I had the opportunity of reviewing—through the library, which I might add did a wonderful job in research for me, which I appreciate—that back on 22 February 1978, under the topic “Darlington Nuclear Plant,” there was a question from a gentleman by the name of Mr S. Smith. Who has heard of S. Smith? Hands up. No one from the Liberal Party has put his hand up—well, one. He was their esteemed leader back before the member for London Centre (Mr Peterson) took over, who is now the Premier.

What did Mr Smith have to say?

“In view of the fact that the primary rationale for exempting the Darlington station from the Environmental Assessment Act was the need for this plant to be operating in time to avoid supposed power shortages in the mid-1980s, and in keeping with the new study with regard to the projected growth in electrical power consumption, does the minister now agree that the tremendous degree of rush that was referred to, no longer exists and that it is possible to have the project referred under the Environmental Assessment Act?”

We can go on with page after page, but the direction, if there was any kind of precedent set by the Liberal Party, was to sit back. As indicated by the then leader of the Liberal Party, the need for Darlington was not paramount and there should be an expansion of the environmental process which Ontario Hydro did in-house by a full environmental assessment hearing.

It would seem to me that this administration is taking that same course of action, namely, that it is going to sit back. For those who have been interested in question period, I have been asking questions over the last few months of the Minister of Energy on a variety of fields, but always concluding by asking: When is he going to make the decision to build a new major electrical producing plant, where is it going to be and when is it going to come on stream? I am not even centring on what manner of plant that should be—hydro, oil, gas or nuclear—I am just asking him to get on with the job.

I have also been inquiring: If the minister is that hesitant about it, why does he not at least start some kind of environmental process on the various possible sites that can be selected for a major plant?

I asked the Minister of Energy, I guess it was the first of this week, about what Ontario Hydro is doing with the investigation of Sir Adam Beck 3 down at Niagara Falls. Is that not an environmental assessment and has he not approved it? Has Ontario Hydro in its Hydroscope not indicated it is going to take four years to do that full investigation?

If I remember Hydroscope correctly, that is only going to supply about 1,000 megawatts. We are still going to need a few more thousand megawatts to at least have a cushion, never mind meeting the demand. So why does the minister not make the decision to intervene to allow Hydro to start at least some environmental assessments?

This government's policy at the moment is to put it off. They are hoping they are going to delay the decision until after the next election. I can tell them they are not going to get away with it. The next election is two years away, and if the projections of what we have seen through the various select committees on energy hold true, we are going to be forced into a position of at least some brownouts during the heavy winter cold spells and the very hot spells in summertime.

As frustrating as it is, I say to all the moms and dads at home, my time is running out. I can see the crocodile tears around the assembly; every-



one is remorseful about that. I will reserve a moment or two to allow me a summation. We are looking forward with great anticipation to what the sheep have to say, to see how have they been directed by the front four to respond to this resolution. It is going to be pretty crucial if we run out of electricity; it will not power the lights of this assembly or will not power—heaven forbid—the televisions at home.

1120

**Mr South:** I welcome the opportunity to respond to the resolution made by the member for Durham East. I would say without any hesitation that there is no one in this House I enjoy listening to more than the member for Durham East. He speaks with a great deal of candour. He brings a certain amount of amusement to his remarks, but always they are very insightful and they are always said with a lot of sincerity. I say to the member, as one of the sheep he referred to, he is going to have to listen to these remarks.

We do believe that there are some real concerns about what the next major generating station will be for Ontario Hydro and where it will be located. That is a matter of great concern. But essentially you cannot put the cart before the horse and you certainly cannot leap before you look when making important decisions like this, especially when these decisions will have far-reaching effects on the people of this province for decades to come. That is exactly what the member for Durham East is asking us to do in his resolution, and it is for that reason and for others that I will outline why I cannot support his resolution.

As the parliamentary assistant to the Minister of Energy, I have had a chance to learn a great deal about the energy picture in this province. I agree that the demand for energy, and electricity in particular, is growing. By the year 2000, Ontario residents are likely to be consuming 13 per cent more oil, 25 per cent more natural gas and, in the absence of demand management measures, 39 per cent more electricity.

I think the member for Durham East is correct in saying that Ontario has to investigate new, major sources of electricity supply for this province. In fact, the government is conducting such an investigation: a comprehensive and detailed investigation of Ontario Hydro's planning process and of Ontario's energy options.

Let me fill some of the members in on the history behind the process. It really began when the government received Ontario Hydro's draft demand-supply planning strategy, better known as the DSPS. This weighty report laid down the

basis for Hydro's planning process and for such things as forecasting, and it has focused the debate on the future of Ontario's electricity system.

It is an important document and one which the recent select committee on energy studied at some length. I know both the member for Durham East and I can attest to that, as we were both present on that committee.

I might add that it was not the select committee alone which examined this report. An independent panel of technical experts on electricity planning also reviewed the strategy. In addition, about a dozen government ministries reported on the document.

The findings of all these intensive studies have been passed along to Ontario Hydro. I understand the utility has been asked to come up with its preferred demand-supply plan this fall and I await that plan with great interest, as I am sure we all do.

Certainly, this government has already acted on some of the recommendations arising out of the reviews of the DSPS. The technical panel suggested that the issue of Candu nuclear costing needed to be further investigated. That review was completed by a two-person panel which concluded that Hydro's cost estimates were sound.

I know that many members of the public had concerns about the costing issue and about the question of nuclear safety. The government commissioned a report by Dr Kenneth Hare that was tabled in the House early last year. It responded to and addressed many of these concerns.

We on this side of the House have not been idle on the issue of energy planning and supply. As I see it, this government has invested a great deal of time and energy in these questions. Again, I agree with the member for Durham East that these are important questions; important to our economy and to the environment.

I do not think we have all the answers to these questions yet but we have come a long way in gathering the necessary information upon which we can base good and responsible decisions.

Certainly the government has set some definite priorities in terms of reviewing all of our electricity options. I think it is important to look at these options in terms of how they impact on economic development in the province. We have to make sure that any choices we make will help to improve our competitive ability in the new global economy. Being able to compete means



that our economy will continue to grow and create new jobs and businesses.

As all members are aware, there is a growing concern for the quality of our environment. Any energy choices we make have to take this concern into account. Our use of energy and the production of our energy resources have some negative impacts on the air we breathe and the water we drink. We have to work hard to reduce these negative impacts.

Obviously a secure supply of energy is critical to our economic future. Our businesses and industries depend on our reliable and relatively low-cost supply of electricity to stay in business. All of us depend on energy to help maintain the wonderful quality of life we enjoy in this province. We have to make sure that everyone in Ontario is using energy wisely, that we are getting the most out of every megawatt of energy we produce. I think we all have to put a higher priority on energy efficiency and conservation. By conserving energy and using it more efficiently, we can better our economic performance and our environment.

I would add that energy efficiency will help to cut our \$12.5-billion annual energy bill. This will free up some of the province's money, money that could be better spent on important items like health care and education.

As the member for Durham East knows, this province has a wide range of options to choose from in terms of future supply. There is the option of major new generation stations powered by coal, oil, gas or nuclear power. We could also look at trying to get more out of the existing facilities in Ontario. One example was alluded to by the member for Durham East, and that is the Sir Adam Beck 3 plant, which will produce an additional 700 megawatts of electrical energy. I think we can all agree that we should try to work on this kind of system enhancement across the province.

Look at my own riding of Frontenac-Addington, where the Lennox oil-fired plant is located. I might say that Lennox was built by a previous government that did not look before it leaped. That is why it sat there for a number of years not being used. Recently, however, part of that station was recommissioned to meet the peak needs of my part of the province.

I could also point to the Wesleyville generating station, widely known as the Wesleyville white elephant today. I think it was the same government that did not do the necessary planning for Lennox that built this station not too

far from where the member for Durham East lives.

I think we should take a second look at Wesleyville to see if it could be retrofitted and brought into service some time in the future. Ontario could also get a new supply by buying it from our neighbouring provinces, such as Manitoba and Quebec. We are looking at both of these options.

Natural gas can also be used in the cogeneration process, and I understand there are energy and environmental benefits. I think Ontario Hydro should be encouraged to consider co-operating with the private sector to develop this energy source.

In closing, let me say that we have to take a responsible and prudent approach to planning for our energy future. As such, I cannot support the resolution of the member for Durham East.

**1130**

**Mr Charlton:** I will start out my comments by congratulating the member for Durham East. I am sure he is watching these comments wherever he has gone. I congratulate him for the concerns that he feels, the concerns that prompted him to bring forward this resolution.

I happen to share his concerns about Ontario's energy future, although I must say at the outset that I will not be supporting his resolution. I will not be supporting it for far different reasons than were just expressed by the government member, the member for Frontenac-Addington (Mr South).

I will not be supporting the resolution because of some of the very specific things which this resolution actually says. Unfortunately, the member for Frontenac-Addington completely avoided what the resolution says in his remarks.

I say to the member for Durham East, as I have already said, that I share his concerns, but in his own speech here today, he set out very clearly a number of reasons why the direction his resolution presents is the wrong one for us to follow.

First, his resolution says "several studies and reports have shown Ontario Hydro does not have the capacity to supply forecasted demands of electricity for the year 2000." That is essentially true. What the resolution forgets to deal with is all of the studies that have been done in the last three years that clearly show us that Ontario's needs for the next 20 years can be met without Ontario Hydro's building a single megawatt of additional generating capacity in Ontario.

The Ministry of Energy has commissioned studies on conservation in Ontario, on industrial cogeneration in Ontario and on private indepen-



dent generation in the province, all of which show substantial potential at significantly lower cost than our next nuclear plant, or our next generation facility of any kind, to help us meet the needs of electrical energy in the future in this province.

The member, when he was saying why he had brought this resolution forward, used the phrase that he hoped to force the government to sit up and listen. I want to say to the member for Durham East that in order for the government to sit up and listen, there has to be a spine. This government, unfortunately, has not shown any more spine in dealing with and controlling Ontario Hydro than the previous Conservative administration did, and that is part of the problem.

The member also referred to meetings which his leader had with representatives of AMPCO, the Association of Major Power Consumers in Ontario. He is right in understanding that AMPCO has a major concern about the future of electrical energy in Ontario. But AMPCO is one of the major culprits in terms of dealing with how we approach that question, because its members are the major power consumers in this province and they also hold the keys to many of the solutions in the industrial sector. Until we effectively address those questions, it seems to me a bit irresponsible for AMPCO to be here demanding that Ontario Hydro build new facilities that would be paid for by all the people of Ontario, while AMPCO members pay the lowest and most-subsidized rates for the electricity they will then use.

The member for Durham East also referred to questions like transmission and the problems when the transmissions lines either are down or cannot carry the power that is required by a firm like General Motors, for example. I point out to the member for Durham East that one of the beauties of energy efficiency is that kilowatts saved do not require transmission, nor do kilowatts saved require a reserve margin. He also referred to the declining reserve margin we are faced with in Ontario, and kilowatts saved also do not require a reserve margin.

To put it another way, so we can understand the real perspective in terms of meeting our electrical energy needs via efficiency versus constructing a new plant, if you go the efficiency route you have to create only 75 per cent or 80 per cent of the capacity you have to create if you build a plant, because you have to build the plant plus a reserve margin to make the system viable. If we need 5,000 megawatts of generated

electricity in Ontario, we can supply that need with only 4,000 megawatts of efficiency. That is one of the realities we have to deal with in the whole course of this discussion.

There is another aspect of the member's resolution which causes me particular and great concern, and that is the part that says "to establish a new generating station that can be approved in advance, such as the site selection process, with consideration that it could be a station using one or more sources of fuel.

Again, I understand the concern that has been expressed by several members of the government party about this advance approval process, about having everything in place so that you can move quickly when the time comes, but the very wording of this resolution sets out the problem. A site that might be acceptable for a nuclear plant is not necessarily acceptable for a coal-fired plant, a hydraulic plant, a gas-fired plant or an oil-fired plant, because the environmental criteria in each case are substantially different.

Let me just take the examples of the two most likely options if you are going to build a generation facility, one being nuclear and the other being coal. Because of the cost questions, gas and oil have been a little bit out of the picture in Ontario, although in the future, as cost structures change, they could come back into the picture.

A nuclear plant looks for a site that is fundamentally solid and stable. They talk about earthquake-proofing nuclear plants, they talk about protecting the storage bins in which the spent fuel is kept and so on. But the site-specific criteria for a coal-fired plant are substantially different, because of the need to store large volumes of coal on the site, because of the process Ontario Hydro goes through now of crushing, washing and cleaning coal and the coal dust that emanates from that process, the sulphur that is extracted from the coal in that process and a number of other factors which totally change the nature of the site you want to look for for a coal-fired plant.

To talk about advance approval of a site which may be utilized for a plant using any number of different fuels is a totally inappropriate way to approach the whole question of environmental assessment. I have no objection if Ontario Hydro wants to proceed internally to plan and design its next generation facility so that, if and when it is needed, it can proceed quickly to make applications. I have absolutely no objection if Ontario Hydro wants to proceed internally to identify sites for the next nuclear plant or sites for the next



coal plant, but they will not be the same site. For those reasons, I find the specific wording of this resolution very difficult to support.

Having said that, I repeat what I said at the outset: I agree with the concerns that have been expressed by the member for Durham East. I agree that we need to make this government sit up, and that is going to be difficult, until it is prepared to deal in a much more straightforward and aggressive fashion with Ontario Hydro. We need to answer within the next two years the questions about where we go with electrical energy in the future.

**1140**

**Mr Runciman:** It is a pleasure to participate in the debate this morning and to support my colleague the member for Durham East with respect to the resolution he has placed before the House. I think what he is attempting to do, and certainly what the party is attempting to do, is send out a message that indeed it is an urgent situation and that Ontario could find itself in significant difficulties in the not-too-distant future if the government is not prepared to make some decisions with respect to the construction of new generating facilities in the province.

At this point, as the member for Durham East indicated, not taking action has significant negative implications for the economy of this province. We are talking about jobs, we are talking about attracting new investment and we are talking about keeping the cost of power in this province at a very attractive level. Again, if initiatives are not undertaken in the near future, much of that could be placed in jeopardy.

I guess this ties in with a number of other concerns with respect to the operations of this government currently. They do not seem to have any significant or meaningful agenda; they are drifting on a number of important issues. We could suggest perhaps that the recent matter dealing with Mrs Starr may be causing some of the paralysis in this government, but it goes back beyond the revelations related to Mrs Starr. There really does not seem to be anyone prepared to take the bull by the horns with respect to a number of controversial issues facing this province.

The member for Frontenac-Addington talked about a number of options being available to the government. I am not certain that I would share that view with respect to the number of options in terms of ability to meet the forecast growth patterns in this province in terms of electrical consumption. Before I go any further, he mentioned the former government constructing a

plant in his area which was shut down for a number of years and he suggested that was poor planning. I have some difficulty with that because, as he knows, that plant was an oil-fired station and in reality it was shut down because of the effluent and the acid rain concerns. Because of increasing consumption levels in this province, the plant had to be put on stream.

Again, talking about the number of options available, the member for Durham East went through those in detail, but I just want to touch on them again. On hydro generation, we are limited very much in what we can do. We can look at a few new sites, retrofit and so on. On coal and gas, again, I think there are some opportunities here, especially with clean western coal, in not only helping ourselves locally with respect to the generation of new electricity, but also in assisting our Canadian neighbours, as well, in terms of the total economic picture for this country. But again, we are talking about finite resources and we are talking about acid rain problems.

Of course, there was significant testimony before the select committee on energy, which I had the good fortune to sit on. We heard a great deal of detail with respect to what these products are doing to the ozone layer and other significant concerns with respect to pollution of lakes, damage to trees, acidification of farm land and so on, which is increasingly becoming a concern of most countries of the world. I think we have to take a very careful look at how much further we want to go with respect to generation of electricity through the use of polluting, finite fuels which over the long haul are perhaps not in our best interests environmentally and are certainly not in the best interests of providing long-term assurance of reliability of supply.

Now we get down to a number of other options, including conservation and demand management. Again, these are very positive areas in which to look for savings, if you will, but again, they alone are not going to solve the energy problems of this province.

Then we get down to nuclear. We had significant testimony before us in the select committee, both pro and con, with respect to nuclear. I guess I was not personally persuaded that the negatives with respect to nuclear generation outweigh the positives. We can take a look at the fact that with respect to emissions from these plants, we are not going to be doing any further damage to the ozone layer. We are not producing acid rain. There is certainly a question about the ability to deal with the waste from nuclear plants, but I think those are



problems that can be solved, will be solved and, in some respects, are now being solved. Even if you take a look at the amount of waste generated from a nuclear facilities, it is relatively modest in terms of tonnage, if you will. I think we certainly cannot rule that out.

With respect to my party, I think my colleague and I and the select committee have suggested that we should be looking at a number of things which certainly are not restricted or limited to nuclear. Approval banking, which is mentioned in the member's resolution, we think is an excellent way to go.

Another area we talked about in the select committee was building to export. We find that reasonably attractive. Rather than simply delaying until the need is apparent in this province, why do we not take a look at entering into agreements with our neighbours to the south so that we can construct generating facilities, get them on stream and enter into sale agreements with our neighbours to provide them with electricity over a given period of time. Then, when our needs increase in this province, we will already have that generating facility or facilities on stream and will be able to cope with any increasing demand.

When we talk about increasing demand, there is no question that it is there. All of the signs, all of the signals are there. If you look at the studies done with respect to what is going to happen in this province as a result of free trade, although I know the government disagreed with that initiative, certainly all the studies indicated a significant increase in the number of manufacturing jobs in this province, and Ontario Hydro's studies indicated a significant increase as well in demand for additional hydro resources.

We just have to look at what happened last summer with an extremely hot summer when we were faced with Hydro running into its peak during the summer, I think, for the first time. My colleague confirms that. We had to go through a point where we were faced with a possibility of brownouts during the summer months. We have a number of companies that have been operating in this province on interruptible supply that are finding their supplies now being too frequently interrupted and are having to look at moving away from interruptible supply contracts. It is a significant problem.

We have talked about this government's ability to deal effectively with the management of Ontario Hydro and I think that is a cause for concern. Ontario Hydro is a power unto itself. There is no question about that when we take a

look at what has happened with their debt. I brought forward a question some time last year with respect to the differential in the United States dollar and the Canadian dollar, the debt repayment to the United States and the fact that Ontario Hydro was going to reap a windfall in the neighbourhood of \$150 million.

I suggested to the minister at that time that there be a one-time application to significantly reduce the Ontario Hydro debt. The impact of that one-time, \$150-million payment was astounding over a 10-year period in terms of the reduction in debt and the impact it was going to have. But this minister was not prepared to indicate to us, to this House or to Ontario Hydro, "Yes, indeed, we recognize the Hydro debt is a major problem and we're going to ensure that they take action on it and recognize it as a major problem."

We could not get that kind of commitment out of him. We can never get that kind of commitment out of him. He is a very likeable individual, no doubt, but he is not a strong enough personality, in my view, to be able to deal effectively with the powers that be at Ontario Hydro. We on this side of the House have to be very much concerned with his ability to twist arms with those folks because there is no doubt about it, they know where they are going and they are very familiar with the games of persuasion and ability to twist governments and government officials around their little fingers. It has been proven on many occasions over the past 10, 15, 20 years.

Another indication: The Cresap study done on Ontario Hydro indicated 2,500 redundant employees in just one section of Ontario Hydro. What was Ontario Hydro going to do about those 2,500 employees? Nothing. "Resource smoothing" they call it. They build a new building in North York to house 2,500 redundant employees.

**1150**

**Ms Collins:** The member for Durham East would have us all believe that it is necessary to get the shovel in the ground on new energy supply tomorrow. I do not believe that is the case. This province is not running on empty. It is, in fact, running on a very strong and reliable electricity system. It is a system that has served this province well over the past 80 years. I believe it will continue to do so over the next 80 years and beyond if we take the time and effort to ensure that the decisions we make about the future are the right decisions.



My friend the member for Frontenac-Addington talked about the process the government is involved in to examine our energy future. He referred to the detailed investigation the government is conducting into our energy choices. I think this is a valuable exercise. We have to answer the questions about the economic and environmental impacts of our energy choices before we make those choices. There are many outstanding questions.

However, in this day of increased global competition and growing concern about the environment, I believe there are decisions we can make today in the energy sector. I believe we have to make a decision to aggressively pursue wise energy management. That means making better use of our energy resources, and that means managing our energy demand more effectively. Demand management through such initiatives as conservation and energy efficiency must be a continuing priority of this government.

Yes, I agree with the member for Durham East that we have to investigate major new sources of electricity supply. Ontario's electricity needs are growing. But there is more than one way of doing this. Just because we acknowledge the need for a major new supply some time in the future does not mean we should not try to capture some of this supply from gains in energy efficiency today.

I understand that estimates on the amount of energy we could save through demand management vary. I know that some energy interest groups have suggested that we would never have to build another generating station if we implemented efficiency improvements and moved to more private-sector-generated power. There are others who suggest that efficiency improvements cannot be counted on and that the shovel should have been in the ground yesterday.

But surely it is not the debate on the amount of gains we can make through energy efficiency and conservation that matters. What does matter is the significant benefits that come from pursuing these gains. I have been told that energy efficiency is directly related to productivity. The less energy used per unit of production output translates into a better bottom line for industry. As we all know, a better bottom line means a more competitive product. Today, as we face Fortress Europe and a new trading environment, the ability to compete is more important than ever before.

Here in Ontario, gains in efficiency can also have a significant impact on the province's bottom line. Ontario is Canada's largest energy-

consuming province, and we have a \$12.5-billion bill to prove it. Using our energy more wisely can reduce that bill, freeing up more money for our social programs. Improvements in the way we use energy can be made across the board. In industry, commerce, governments and at home, each of us can make a difference by doing such things as turning off unneeded lighting or keeping the thermostat turned back at night over the winter months.

Home owners can make investments in insulation, weatherstripping and caulking. Saving energy at home means saving money, and that means increased consumer spending power.

I know the Minister of Energy recently announced the first standards under the Energy Efficiency Act. This act, which enables the government to set minimum efficiency standards for household appliances, will go a long way in improving the way we use our energy in this province. I understand the Ministry of Energy has efficiency programs targeted at every sector of our economy. I applaud the efforts being made; however, I think we could be doing more in this important area.

Energy efficiency does more than just benefit our collective pocketbooks, and it does more than enhance Ontario's energy security and self-sufficiency. Perhaps most important of all, it can mean major benefits for our environment. The global warming trend and acid rain have become household words. The public is alarmed by the degradation of our environment and is looking for leadership from government that will protect this important legacy. Energy use and the production of new energy resources have negative impacts on the environment. Using energy more efficiently will help to minimize these impacts and protect the quality of our land, our air and our water.

I believe that as the government moves to investigate new supply, it should also be moving to implement new and more aggressive demand management initiatives. A responsible approach to electricity planning means examining both the demand and supply sides of our energy picture. I understand that Ontario Hydro's demand-supply plan will include plans for demand management and I look forward to seeing that plan this fall.

**The Speaker:** I believe the member for Durham East reserved three and two thirds minutes.

**Mr Cureatz:** Do I not get the other minute that no one else wanted to use? I say that to the Speaker notwithstanding the fact that he hosts such a lovely dinner meeting from time to time



during which some crucial issues of this assembly have to be discussed. The member for Nickel Belt (Mr Laughren) and I were very concerned about some major issues and we certainly related them to the Speaker.

He missed some of my opening remarks concerning my resolution. I want to refresh his memory. As I was hearing some of the speeches, I was thinking to myself, I said: "Self, what a great resolution: 'That, in the opinion of this House, recognizing the importance of a reliable supply of electricity to individuals in their homes and to the economy in general for job creation, industry and commercial establishments...the government of Ontario, and in particular the Minister of Energy, should direct Ontario Hydro to initiate any aspects of the process to establish a new generating station.'"

At least we have heard from this nasty, huge, arrogant Liberal government that it is against the resolution. They finally made a decision. Holy smokes. What have they decided they are against? They are against job creation. They are against individuals living in their homes. They are against industry and they are against commercial establishments. When that next election comes around and on election night, about 10:30 at night when those Liberal backbenchers are looking at the poll results coming in and they are going down the drain, they will be saying to themselves: "Jeepers, I should have supported Sam's resolution, that great member for Durham East, because he was in favour of jobs in Ontario. He was in favour of ensuring that people could go into their homes and turn on the switches and get electricity. He was in favour of electricity turning the wheels of industry in the heartland of Canada."

Not this group; no, sir. These guys are in for big trouble because this is a big, crucial issue. I have not even gone into, as my colleague the member for Leeds-Grenville (Mr Runciman) indicated—and of course I should not be remiss but should thank all of those who participated in the debate. As bad as the comments were against my resolution, we appreciate their thoughts and concerns. Of course, the Liberals are toeing the party line: delay, delay, delay. The honourable member for Renfrew North (Mr Conway) knows the crisis we are in because down in his riding—well, it is a long story and I do not want to bore members with it, but it was a great story. In any event, he knows the crucial aspects that we are involved with in terms of electricity.

For the last 30, 40 seconds that I have, I am going to look into the crystal ball. Do members

know what I foresee? I foresee this government finally making a decision. We have to go through all this stuff, but finally it is going to be so crucial to Ontario that, yes, it will come forth with an announcement—I say to the member for Hamilton Mountain, and boy, he will be really angry. Do members know what the announcement is going to be? That Darlington 2, another four-unit nuclear station out in my riding of Durham East, is going to have to be constructed. That decision is going to be forthcoming, preferably before the next election, to ensure that we are going to have electricity after the next election, in which, I fear, we are going to be suffering brownouts.

1205

#### DRUG BENEFITS

The House divided on Mr Kormos's motion of resolution 22, which was agreed to on the following vote:

##### Ayes

Bryden, Charlton, Cooke, D. R., Cooke, D. S., Cureatz, Eves, Hampton, Henderson, Jackson, Kormos, Kozyra, Laughren, LeBourdais, Leone, Mackenzie, Matrundola, McLean, Morin-Strom, Nicholas, Offer, Philip, E., Polsinelli, Pope, Reville, Roberts, Sullivan, Wildman, Wilson.

##### Nays

Ballinger, Brown, Callahan, Collins, Cousens, Elliot, Epp, Faubert, Fawcett, Fleet, Furlong, Kanter, Keyes, Lipsett, Mahoney, Mancini, Miclash, Nixon, J. B., Oddie Munro, Poole, Reyecraft, Ruprecht, South, Sterling, Tatham.

Ayes 28; nays 25.

1210

#### ELECTRICITY DEMAND AND SUPPLY

The House divided on Mr Cureatz's motion of resolution 19, which was negatived on the following vote:

##### Ayes

Callahan, Cooke, D. R., Cousens, Cureatz, Epp, Faubert, Fawcett, Henderson, Kozyra, LeBourdais, Leone, Matrundola, McLean, Miclash, Nicholas, Pope, Roberts, Runciman, Sullivan, Tatham.

##### Nays

Ballinger, Brown, Bryden, Charlton, Collins, Cooke, D. S., Elliot, Fleet, Furlong, Hampton, Kanter, Keyes, Kormos, Laughren, Lipsett,



Mackenzie, Mancini, Morin-Strom, Nixon,  
J. B., Oddie Munro, Offer, Philip, E., Polsinelli,  
Poole, Rae, B., Reville, Reycraft, Ruprecht,  
South, Wildman, Wilson.

Ayes 20; nays 31.

The House recessed at 1216.

## AFTERNOON SITTING

The House resumed at 1330.

### ESTIMATES

**Hon Mr Elston:** I have a message from His Honour the Administrator of Ontario, signed by his own hand.

**The Speaker:** The Administrator of Ontario transmits estimates of certain sums required for the services of the province for the year ending 31 March 1990 and recommends them to the Legislative Assembly, signed by Mr Howland.

### MEMBERS' STATEMENTS

#### BIRTH CERTIFICATES FOR NATIVE PEOPLE

**Mr Hampton:** Sometimes in the course of doing constituency case work, you come across some unbelievable situations. The fight in which many Indian people must engage in order to get an Ontario birth certificate is such an unbelievable situation.

Several Indian people who were born on remote reserves prior to 1950 have never been able to acquire an Ontario birth certificate. Because many of these individuals were born on the reserve and not in a hospital, there are no hospital records of their birth. Because reserves then were remote and required travel by bush plane or boat, census statistics from Statistics Canada did not record their birth, then nor since. No school records exist for many of these people, because they chose not to attend Indian residential schools that dominated native education until the last decade, schools which required a fair bit of religious indoctrination as well as education. If they did not register under the Indian Act as status Indians, the Department of Indian Affairs and Northern Development in Ottawa has no record of them either.

When Indian people lack indicia of birth and existence, the government's vital statistics branch will not provide them with Ontario birth certificates. The government's requirements for the granting of birth certificates unfairly discriminates against Indian people, specifically against older Indian people who initially lived a very traditional lifestyle. The criteria the government has set are simply culture-bound.

### TOURISM

**Mr McLean:** My statement is for the Minister of Tourism and Recreation (Mr O'Neil). It is

quite clear that the minister is not the champion of the tourist industry he claims he is, if the May budget is any indication.

For example, his government's proposed payroll tax will lead to employment rationalization and see employees ultimately pay as employers reduce salary increases to compensate for this new tax, and create increased inflation and make Ontario's tourism less competitive in targeted US markets. The increased payroll tax will result in reduced pleasure and vacation travel in Ontario and increased pleasure and vacation travel by Ontarians to the United States and other less costly travel destinations.

Increased fuel taxes will result in less travel by automobile in Ontario, fewer American visitors and more travel by Ontarians to the United States. Increased beverage alcohol taxes will result in reduced licensee sales of beverage alcohol.

This will result in less discretionary income for all Ontario drivers and less discretionary travel and spending on tourism and hospitality products and services in this province.

The government is crippling this province's tourist industry with increased taxes. It has also frozen and reduced transfer payments to municipalities and school boards, but still expects them to come up with the new payroll tax. The government's policies for wringing more and more tax dollars out of the people of Ontario will lead to increased inflation and increased unemployment. The people of Ontario have had enough.

### FOOD INDUSTRY

**Mr Fleet:** Brian Mulroney, just say no. Proposals to accelerate tariff reductions under the free trade agreement for soybean oils jeopardize an important Canadian-owned company and the workers and their families who depend on it.

Canada Packers Inc has the largest edible oil refining plant in Canada located in my riding, where over 225 people are employed. The company has invested \$52 million in plant modernizations in Alberta, Ontario and Quebec in recent years to ensure it is competitive in a tariff-sensitive industry. Canada Packers represents 40 per cent of the Canadian refining market in edible oils and fat products.

Free trade means Canada Packers must compete against more specialized American giants. The company needs time to change its business



structure and find a niche in the American market. Fresh multimillion-dollar investments are necessary for physical plant changes, market research and personnel training. Although Canada Packers is willing to take up this challenge, it is impossible if the company is denied adequate time to adapt. Jobs, as well as the wellbeing of Canada Packers, are seriously compromised by the new proposals.

Brian Mulroney, your government has the authority to stop this. Do your duty to protect the interests of Canadians. Say no to the fast-tracking of these tariff reductions.

#### AUTOMOBILE INSURANCE

**Mr Laughren:** In September 1987, the Premier (Mr Peterson) promised that he had a specific plan that would lower auto insurance rates. Since that time, rates have increased by approximately 17 per cent. The government then established the Ontario Automobile Insurance Board, which was supposed to set rates. When that board brought in recommendations with rate increases that were unacceptable to the government, the government said, "We can't accept those proposals, and we're going to put a cap on at 7.6 per cent."

Then the minister, in another example of his Keystone Cops scenario, gets the report from the auto insurance board which tells him that no-fault insurance is not the answer either and would really cause no meaningful saving to the driver in Ontario. While this chaos is going on around us, the insurance companies are toying with the minister and his cap on insurance rate increases. In one case I raised in the assembly the other day, one company with the same address, same president, same signatures on the forms, had increased an insured's rates by almost 30 per cent.

It is absolutely ridiculous, and the minister has done absolutely nothing about it. The present minister has raised incompetence to an art form.

#### FAMILY VIOLENCE

**Mr Jackson:** On 2 May this year, the Liberal government grabbed headlines with an announcement regarding funding for shelters for battered women. What the headlines did not say was that this money is not going to result in any new beds in an incredibly overcrowded system. Nor did it recognize the special needs and demands for these services in northern Ontario. Remember, it was this Liberal government that allowed a rape crisis centre in Sault Ste Marie to close for lack of funding.

New Starts for Women Inc has identified the need for a shelter for victims of family violence in the Red Lake area in the riding of Kenora. There has been no action undertaken by the Liberal government in this regard, and no confirmation from the Ministry of Community and Social Services. Last year, 56 women and 86 children were referred because they were victims of violence. There were no places to refer them to. Where did they go to find their shelter? Many were referred out of this province to Winnipeg, Manitoba.

The Ontario government has shown its lack of understanding of the legitimate need for local shelter by denying funding to this group. All those splashy headlines are not going to help the victims of family violence in the Red Lake area. The government will not acknowledge the need for services for victims of family violence in this area. This group has documented that critical need, yet the government turns a deaf ear. Government by headline is not going to respond to the desperate need for services for victims of family violence in northwestern Ontario.

1340

#### ENVIRONMENT AND TRANSPORTATION

**Mr Tatham:** Headline: "G-7 Leaders Closer Than Ever." The press commented that West German Chancellor Helmut Kohl was a major supporter of Canada's proposal for a standard system of indicators to measure the environmental effects of economic policy and business decisions. However, in recent discussions with Brazil about the loss of its rain forest, the West Germans were frustrated when the Brazilians disputed Bonn's estimates of the size of the problem.

It is funny how we point the finger at the other fellow. How about Transport 2000 telling us highways use 2.7 times as much land as rail, passenger cars use 3.5 times as much energy, freight trucks use 8.7 times as much energy and motor vehicles cause nine times as much pollution and have 24 times as many accidents?

Bangkok is negotiating to build a \$2.3-billion sky train. Part of the complex financing package is a proposed \$625-million loan by Ottawa's Export Development Corp.

Environment, money, trains. Chief Seathl of the Duwamish tribe said it well: "All things are connected. Whatever befalls the Earth befalls the sons of the Earth."



## STATEMENTS BY THE MINISTRY

### PARALLEL GENERATION OF ELECTRICITY

**Hon Mr Wong:** Today I am pleased to announce this government's policy on the parallel generation of electricity in Ontario.

As some members may know, parallel generation is the production of electricity from equipment that is not owned or operated by a central utility, in our case Ontario Hydro. Parallel generators, such as municipal utilities, entrepreneurs, industry and gas utilities, sell their electricity to the central transmission grid. It can include electricity generated from a number of sources, such as water, natural gas, wood waste or solar and wind power among others.

As members are aware, I recently introduced amendments to the Power Corporation Act designed to make Ontario Hydro more responsive to government policies and public priorities. The policy I am presenting today fulfils a commitment made in that legislative package to help reduce the barriers and to encourage parallel generation development in Ontario. This policy also provides clear direction to Ontario Hydro as it develops its preferred demand/supply plan, which I expect to receive this fall.

The development of our parallel generation resources will benefit Ontario in a number of ways.

The parallel production of electricity will strengthen our provincial economy by providing a secure source of safe, reliable and relatively low-cost electricity.

Parallel generation projects help to protect our environment by making use of renewable resources and energy-efficient processes such as cogeneration, or the simultaneous production of heat and electricity.

Lead times to bring on parallel generation projects are shorter and capital costs are much lower than for large-scale developments. These factors help to maintain rates at the lowest feasible level for consumers.

Such smaller-scale projects add flexibility and diversity to the province's electricity system.

They also stimulate economic development by creating new jobs and new business. This is particularly true in northern Ontario, where much parallel generation potential exists.

Finally, the government's endorsement of parallel generation serves to support the ongoing development of a strong, indigenous and exportable Ontario industry.

Ontario Hydro will continue to be the primary supplier of electricity for the province. However, the government believes that the private sector also has a contribution to make towards supplying Ontario's electricity requirements.

I am pleased to tell the members of this House that Ontario Hydro is supportive of parallel generation. The chairman and president, Bob Franklin, has made a commitment to work closely with the industry to ensure the timely and efficient development of these resources.

As part of the policy I am announcing today, I am asking Hydro to advance its target dates for achieving increases in parallel generation. The original goal was 1,000 additional megawatts of parallel generation capacity by the year 2000. We are now asking for that target to be met by 1995 and asking for an additional 1,000 megawatts by the year 2000. In other words, Ontario Hydro is being asked to double the amount of additional parallel generation capacity it was originally intending to achieve by the end of the century.

If these goals are achieved, as I fully expect they will be, parallel generators will be meeting as much as 10 per cent of our electricity needs by the year 2000. This will be a significant contribution indeed to our electricity supply system.

This new policy also ensures that increases in parallel generation capacity will not be at the expense of Ontario ratepayers. Ontario Hydro will pay no more for power from independent producers than it would otherwise pay to build equivalent new facilities. As the parallel generation industry matures, the costs of independent power can be expected to fall, which will help to keep rates down.

The policy also provides for an early public review of Hydro's proposed method of determining its avoided costs. My staff are now working out review procedures and terms of reference so that all interested parties will have a full opportunity to make their views known. We expect that the review will take place this fall. The recommendations arising out of this review will guide Ontario Hydro in establishing appropriate purchase rates for parallel-generated power.

Our policy on parallel generation is an important step towards meeting our goal of ensuring that Ontario's energy requirements are met in a timely fashion.

Allow me to point out in closing that today's announcement is the result of comprehensive consultation with many players in the energy



field. In particular, I would like to thank the Non-Utility Generation Advisory Committee which helped to formulate this policy.

As we work to ensure that our electricity needs are met, we will continue the consultation process. All of us have a stake in our energy future. I want to invite further involvement by the public and energy interest groups as we shape the best possible energy future for Ontario.

### CORRECTIONAL TREATMENT SERVICES SERVICES AUX CENTRES CORRECTIONNELS

**Hon Mr Ramsay:** I am pleased to announce an important initiative today to be undertaken by my ministry in the area of clinical treatment and rehabilitation services for francophone offenders.

J'ai le plaisir d'annoncer que le ministère des Services correctionnels entend mettre sur pied un important projet relatif au traitement et à la réadaptation des contrevenants francophones.

Treatment and rehabilitation for offenders continues to be a major priority for the Ministry of Correctional Services. A great many offenders suffer from psychological or psychiatric impairment or from behavioural disorders. In many cases, contact with ministry professionals is the very first time their condition is identified and dealt with.

In keeping with this goal, it gives me great pleasure to announce the addition of a 16-bed francophone treatment unit to the Ottawa-Carleton Detention Centre.

À cet égard, c'est avec plaisir que je fais l'annonce de la construction, au Centre de détention d'Ottawa-Carleton, d'une unité de traitement pour francophones, comprenant seize lits.

The unit will offer French-speaking offenders a range of programs including anger management, substance abuse counselling and short-term treatment, and assessment of psychiatric, psychological and behavioural disorders. This new program will augment the existing network of treatment services, including the ministry's regional treatment centres. It will also demonstrate the ministry's commitment to meeting francophone offenders' needs throughout the province, but particularly in this case in eastern Ontario.

The goal of providing treatment services in French in designated areas of the province was identified in my ministry's French-language services plan.

Le plan de notre ministère, pour la mise en oeuvre des services en français, avait d'ailleurs identifié le besoin qui existe de soins thérapeutiques de langue française dans les régions désignées de la province.

### 1350

The plan was drafted in accordance with the requirements of Bill 8 and it will ensure that the Ministry of Correctional Services meets the act's implementation date of November 1989.

A two-stage renovation plan has been developed. The first, which will begin shortly, involves a \$60,000 conversion of dormitory space to a treatment unit complete with beds for 16 inmates, a counselling room and three offices. The unit is expected to be operational by late fall.

The second stage, an 800-square-foot addition, will accommodate a clinical area and three professional offices. At an estimated cost of \$140,000, this construction phase of the project will begin in the winter with expected completion by the spring of 1990.

I am also pleased to announce that the ministry will soon be advertising for professional staff to operate the new francophone treatment unit, including a psychologist, a psychometrist and a social worker.

This important initiative is another indication of the Ministry of Correctional Services' support for this government's commitment to French-language services.

The ministry is on schedule in implementing the French Language Services Act, enabling francophone offenders to receive treatment and rehabilitation in their own language.

Je désire également souligner que nous avons su respecter les délais de la mise en oeuvre de la Loi sur les services en français, permettant ainsi aux contrevenants francophones de recevoir des soins thérapeutiques dans leur langue.

### FIRE AT INDIAN SETTLEMENT

**Hon Mr Kerrio:** I would like to inform the House that an additional 296 people have been evacuated from the remote Indian community of Bearskin Lake. A forest fire was started by lightning two days ago southwest of the Bearskin Lake community in northwestern Ontario. The fire is now approximately 1,000 hectares in size.

Tuesday night, 87 people were evacuated from Bearskin Lake, southeast to the Big Trout Lake Indian community. These people included the elderly, the infirm, pregnant women and people with breathing problems. My ministry's fire-fighting staff decided, for safety reasons, to order the additional evacuation.



There is no immediate fire threat to the community, but smoke in the village was very heavy yesterday afternoon and it may worsen today. We decided to evacuate the community in case the smoke became too heavy to safely transport the residents.

Today's evacuation began at nine o'clock this morning. A Department of National Defence Hercules airplane transported a total of 268 residents approximately 425 kilometres south to Balmertown, which is northeast of the town of Red Lake. At the same time a Hawker Siddeley 748 flew 28 residents to the Big Trout Lake Indian community.

My ministry is co-ordinating all firefighting efforts in the area. We are working closely with 50 Bearskin Lake residents who have remained behind to help fight the fire. There are currently five Ministry of Natural Resources firefighting crews, 16 extra firefighters and 11 MNR fire managers and resource staff working to contain the fire. I would like to thank the defence department and the people of Balmertown for their co-operation.

The Ministry of Natural Resources is committed to protecting human life and property against forest fires. Our expert district and fire management staff had the foresight to effectively handle a difficult situation and our fire crews are doing an outstanding job in responding quickly and effectively.

## RESPONSES

### PARALLEL GENERATION OF ELECTRICITY

**Mr Charlton:** I am rising to respond to the statement that the Minister of Energy (Mr Wong) made this afternoon regarding parallel generation policy. The minister's statement reflects a small, meek, cautious and therefore inadequate step forward. It is a step forward, but to put it into perspective, the minister has announced here today, in a fashion that makes his announcement sound powerful, that he is forcing Ontario Hydro to double its commitment to parallel generation between now and the year 2000.

To put that into perspective, that is forcing Ontario Hydro to increase its projections for parallel generation from 10 per cent of the identified potential, from studies by his own ministry and others, to 20 per cent of the potential that sits out there unused.

It is a very cautious and a completely inadequate approach, albeit a small step in the right direction. The minister also does not seem to understand the importance of the hearings and

review around the question of avoiding cost—the price that Hydro will pay for independent generation. He has announced today that that review will commence some time this fall, but he does not seem to understand the importance of the conclusions and the findings of that review to the whole process around Hydro's preferred plan, which will be tabled this fall.

People at the Ontario Energy Board are sitting champing at the bit waiting to proceed with this review. Why is the minister delaying this review until some time this fall when it could proceed right now? We are extremely disappointed to learn, for example, that it is our understanding that Mr Franklin, the president of Hydro, personally intervened to ensure that this review would not occur until after his preferred plan was tabled. That is just an inappropriate and inadequate approach to a very important topic.

### FIRE AT INDIAN SETTLEMENT

**Mr Hampton:** I am responding to the Minister of Natural Resources (Mr Kerrio) on the evacuation at Bearskin Lake. From the perspective of my party we want to say that we are glad that loss of life has been avoided and we are pleased that people are being protected from this fire. However, I do not think the Ministry of Natural Resources deserves any congratulations in this instance. The fact of the matter is that this is, I believe, the fourth native community to be evacuated in northwestern Ontario this spring.

It is fine to say that people have been taken out of the way of the fire, but the fact of the matter is that when these fires are allowed to burn, and they have, there is an impact upon the livelihood of the people of those communities. The impact is that their lives in terms of certainty and security are threatened. The impact is that the hunting, fishing and trapping that they depend on are very much threatened by these forest fires.

The fact of the matter is that if the response for other communities, say small white communities in northwestern Ontario, was to always evacuate, that would be an unsatisfactory response and people would tell the minister that.

Is it not about time that the Ministry of Natural Resources put in place trained fire teams in all of these communities so that there was better response, instead of using native people as sort of fill-ins on regular firefighting crews? It is about time that that happened.

I also want to say for the minister's benefit that without the phonetic spelling, it is indeed Balmertown. All he needed to do was check with



us and we would have told him how to pronounce the name.

## SERVICES DE TRAITEMENT CORRECTIONNELS

### CORRECTIONAL TREATMENT SERVICES

**M. B. Rae:** J'aimerais féliciter, au nom de notre parti, le gouvernement d'avoir pris cette initiative pour améliorer les services disponibles au centre de traitement. Cela représente pour nous un exemple du travail rendu absolument nécessaire par le projet de loi 8 et l'obligation légale du gouvernement; mais il n'est pas seulement question d'obligation légale, il est aussi question de notre devoir envers la population francophone de la province.

J'espère que nous allons aussi pouvoir attaquer le problème de la formation professionnelle, afin de pouvoir former des gens qui seront en mesure d'offrir les services nécessaires, non seulement aux contrevenants de cette institution, mais dans toutes les institutions de la province.

**Mr Cureatz:** I would like to first respond to the Minister of Correctional Services (Mr Ramsay) in regard to his news release on the construction of a treatment unit for francophones at the Ottawa-Carleton Detention Centre.

I would like to say that it would probably be more appropriate for my colleagues the member for Stormont, Dundas and Glengarry (Mr Villeneuve) and the member for Cochrane South (Mr Pope) to respond in French, which I am not able to do. But that is not to say that we are not congratulative in terms of his announcement.

1400

I know from working with the ministry since our sojourn into opposition in 1985 that it is a difficult ministry the minister has—I think we have talked about this before—because it is tough for him to get in line when he is speaking with the Treasurer (Mr R. F. Nixon) for the kinds of funds that are needed to ensure that the various treatments would be made available.

I think his ministry, unfortunately, from time to time has always been set back in the far corner, due to the demands of the various other more high-profile ministries. Obviously he and his staff have been working away, and I know my colleague the member for Carleton (Mr Sterling) would be supportive of this initiative of which we are very appreciative. I might add that I have yet to get on question period committee, if I can divert momentarily.

We are supportive of the minister's news release, but there are some areas of concerns that

we directed to him at the beginning of this session, more particularly about the Don Jail and the Merrill escape. We wanted to bring to the minister's attention that, as supportive as we are of his recent announcement, at the time of the escape, the count number during the day was 540 and the recommended count is 528. There was a large divergence in terms of what that institution can accommodate. We still have concerns about the lack of staffing at the Toronto Jail and we hope we will pursue that with him, if I have the opportunity during question period.

## PARALLEL GENERATION OF ELECTRICITY

**Mr Cureatz:** Well, if that is not enough, the Liberal backbenchers now will have to listen to me about some of my thoughts on the statement by the Minister of Energy (Mr Wong) on parallel generation. The interesting thing is that the Minister of Energy is trying to be cute about this, because I came through with my resolution this morning on electricity.

**Mr Carrothers:** You're the only one who likes to listen your thoughts, Sam.

**Mr Cureatz:** More wind from the Liberal rump. No support, interestingly enough, here. I have the list of the number of Liberals who supported me and I want to thank them sincerely very much at a more appropriate time. When I do have more time, I will gladly read off their names and praise them immensely.

**Mr Runciman:** Free thinkers.

**Mr Cureatz:** They are free thinkers. I will praise them immensely for the forethought they had in terms of supporting my resolution.

As much as I admire the Minister of Energy, what does he do? He comes out with his statement on parallel generation. It is the old ploy. I saw those Tory ministers do it for years too when I was sitting up in the back bench. Lo and behold, there would be a member of the opposition coming in with a resolution and then later in the afternoon there is a minister of the Tory government bringing forward something to combat the resolution. Now the Minister of Energy is up to the same tricks. I am just mentioning it to him so he will not get away with it and think he has pulled off some great big coup or something.

We are, of course, as is my New Democratic Party colleague the member for Hamilton Mountain (Mr Charlton), supportive of this new initiative. The interesting thing is that the minister mentions on page 2 "a secure source of safe, reliable and relatively low-cost electricity."



If he investigates that further, in what manner is he going to produce that electricity? Is it going to be from burning waste wood products or from coal or oil? Then he has the same old problem of acid rain which the Minister of the Environment (Mr Bradley) is concerned about.

It would be interesting to have a few more details, because the Minister of Energy and his government cannot have it both ways. They are not going to be able to get away and say, "This is wonderful. We have parallel generation," yet in the front bench the Minister of the Environment is talking lavishly about how we do not want any more acid rain. What kinds of procedures and safeguards has the minister put in to ensure, in terms of this cogeneration, that he is not going to be afflicted with those kinds of concerns about polluting the air because of the need for electricity?

On page 3 the minister mentions the need in northern Ontario. We are supportive of that. Our caucus met in northern Ontario with regard to providing more employment and more electrical demands in the north. We congratulate him for the requirement.

With a few seconds left, I am concerned about the statement on page 5 that, "We expect that the review will take place this fall." The minister has been telling me all along in question period that he is not going to make a decision on the new plant until this fall when Ontario Hydro comes forward with its new demand/supply options study. Is this going to be another delay—

**The Speaker:** The member's time has expired.

**Mr Cureatz:** —because I do not think this report is going to be due in the fall and the minister is going to be telling me—

**The Speaker:** Thank you. That completes ministerial statements and responses.

## ORAL QUESTIONS

### POLITICAL CONTRIBUTIONS

**Mr B. Rae:** I have a question to the Minister of Housing. This morning, I had a chat in my office with Rev Clifford Ward, who I am sure is known to the minister as the chairman of St Hilda's Towers Inc, which is a charitable institution in the heart of the minister's riding.

I was asking Rev Ward why it is that St Hilda's Towers had made political contributions to the minister's campaign in 1987, to the campaign of Mr Tonks, the Liberal candidate in York South in 1987, and other political contributions. Rev Ward was saying the charity had made those

political contributions, and when I asked him why, he said, "Well, the reason why we gave the money was because we felt it was the only way we could get the government's ear in competitions for housing and nursing home allocations which St Hilda's Towers was involved in."

Rev Ward is well known to the minister and he is well known to me as somebody who has been very actively involved in dealing with seniors' problems for many years. He is also well known as an active member of the Liberal Party.

I want to ask the minister, why would it be that he would have this kind of impression that this is the way business is done in the province?

**Hon Ms Hošek:** The member opposite clearly knows Rev Ward well, as do I, and knows that his work at St Hilda's is truly exemplary. The work that he does with seniors in the community is quite remarkable.

I have no idea why, if indeed he said what the member says he said, he would have that impression. I believe that the work he has done at St Hilda's speaks for itself. Anyone who has visited St Hilda's and talked to the people who live there will know that it is one of the very best places, certainly, I have ever seen in which seniors live in this province and are very well cared for. I think whatever decisions he has made about donating to any campaigns, clearly, he has made on his own.

**Mr B. Rae:** A political contribution requires two things. It requires a donor; it also requires someone willing to receive the money. The minister, I am sure, by now realizes that St Hilda's Towers Inc, which is a charitable foundation and which is limited by the laws respecting charities in the province, just as other charities are limited in terms of their political work, made these political contributions in 1987 and made them to the minister.

I would like to ask the minister, when did she realize that these contributions had been made and why were they accepted?

**Hon Ms Hošek:** The member opposite knows that all of us who run for public office have received contributions from many sources, as have I, from many different people and organizations, even labour unions. All these facts have been public for over a year, available to the member opposite to look at, available to everyone else in the province to look at if people wish to do so. I did indeed receive a donation from St Hilda's, as I did from many other organizations all over the riding.

**Mr B. Rae:** St Hilda's Towers is a charitable organization. Charities are not permitted under



the laws of this land to give money for political purposes. The minister should know that. If she does not know it, she should wake up and smell the coffee. That is the law of the land of Ontario.

The minister must know that St Hilda's Towers has been interested for some time in building a 20-storey tower. She must know the interest that Tridel Corp has in assisting St Hilda's Towers with that construction. Those are all matters of public record, nothing under the cover about either of those facts.

I want to ask the minister, and I come back to it, does she now think it appropriate that her campaign in 1987, Mr Tonks's campaign in 1987 and the central Liberal Party campaign in 1985 accepted political contributions from a registered charity?

**Hon Ms Hošek:** The member opposite knows, as he has repeated himself, that charities are not supposed to give political donations. However, all of us who receive political donations receive them in good faith, assuming that the people who send them have the right indeed to send them.

I should also remind the member opposite that in 1987, when I was running for public office, I was a private citizen running for public office for the first time. I received donations from a variety of sources. I had every reason to assume that they were reasonable and legitimate donations. I am proud and very glad of the help that I was given by many people to help me get elected into this House.

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#### WASTE MANAGEMENT

**Mr B. Rae:** My second question is to the Minister of the Environment. He was not at any of the meetings, but I am sure he must have read about the announcement the Premier (Mr Peterson) made when he was at the meeting of the five chairmen back on 14 March.

The minister will know that the particular announcement by the regional chairmen, which was endorsed in such glowing terms by his leader, was criticized viscerally by the following organizations: the Pollution Probe Foundation, the Canadian Environmental Law Association, Pickering Ajax Citizens Together, Citizens for a Safe Environment, Vaughan Committee of Associations to Restore Environmental Safety, Mississauga Citizens' Environmental Protection Association and the West Burlington Residents' Association.

Has the minister in fact read their response to the regional chairmen's statement, and what does he think of the criticisms they have made?

**Hon Mr Bradley:** I have, of course, received representations from a number of people, as I do on these issues. I invite people to express their views to me, just as I am always interested in what the Leader of the Opposition (Mr B. Rae) has to say in matters of this kind, and members of the third party.

I am sure the government of Ontario will be taking into consideration, when final decisions are made, all of the representations which are made by each one of these groups, whether it is an observation they would make in terms of the recycling component, the four-Rs component of such an announcement or any other aspect of it. Before very final decisions are made, I am certain that those representations will be taken into consideration.

**Mr B. Rae:** It is certainly a definitive answer from the minister. The regional chairmen's proposal calls for a 15 per cent reduction in garbage generated out of the regions concerned by the turn of the century. This figure is described by the groups involved as utterly inadequate—

**Hon Mr Bradley:** Did you say 15 or 50?

**Mr B. Rae:** Fifteen—and entirely out of keeping with what is technically possible, what is politically possible and what must be done.

The minister has his deputy minister on that steering committee. On such an issue, quite basic to the whole question of how much garbage is being produced, what the volume is, can the minister tell us what his deputy is saying about the volume of garbage that he thinks should be generated and what targets can be reached by the year 2000?

**Hon Mr Bradley:** As the member may know, some time ago earlier this year I made an announcement on behalf of the Ontario government which related to the reduction of the amount of material that would go into either a landfill or an incinerator and I made it to fit the entire province; of course that includes the greater Toronto area.

Our goal that we have set is a 25 per cent reduction by the end of 1992 and indeed a full 50 per cent reduction by the year 2000. I happen to agree with all of those who would say that this is attainable and I am pleased that the national government has adopted the Ontario government's position, which in fact is the 25 per cent reduction and ultimately the 50 per cent reduction.

I think if we look at the technology that is available, I think if we look at the will of the people in the greater Toronto area and right



across Ontario, we would draw the conclusion very quickly that indeed those goals that I have described are attainable. I would expect that the same is going to be true of those who would finally approve a system to deal with the greater Toronto area.

**Mr B. Rae:** The GTA group adopts the minister's criteria, yet it still comes up with a 15 per cent reduction in the amount that is actually generated. They talk about diverting 50 per cent and that clearly implies that some kind of incineration is what they have in mind. The group makes other points: that the disposal of garbage must be under public control at all times; that it should not be contracted out to groups that have an interest in profit and not in reducing the amount of garbage produced. They make it very clear that this proposal, as they describe it, is ill-conceived and unnecessary.

This is the most important environmental decision the minister is going to have to take with respect to garbage disposal in southern Ontario. I do not know how much longer the minister is going to be where he is, but I think we are entitled to know where he stands. Does he approve of the GTA proposal as put forward by the five regional chairmen; yes or no?

**Hon Mr Bradley:** The member knows I have never given a yes-or-no answer in this House and I do not want to break that precedent at this time.

**Mr Wildman:** Everything is "maybe" with you.

**Hon Mr Bradley:** Not even a "maybe" that quickly.

As the member knows, in all environmental issues I have a great deal of interest in what environmental groups have to say. Indeed, they have been the ones who have come up with some excellent ideas over the years on how we can manage all of the problems which confront us in the field of the environment. If one looks at the initiatives we have taken, they are very often synchronized with what one would see people in the environmental community recommending.

I am determined to see that we reduce garbage. I want to address a very legitimate point the Leader of the Opposition has made, particularly about incineration. My idea of diversion, 25 per cent by the end of 1992 and 50 per cent by the year 2000, is in fact diversion from disposal, whether that disposal is by incineration or landfill. I think he has raised a good point there and I am glad he gave me the chance to clarify that.

Second, we are willing to listen to all of the representations which are made from a wide

variety of people. The first person I ever talked to about this, indeed, was a person the member would know very well. That was Richard Gilbert, who has done a good deal of research in this field and has some excellent ideas. I have met with Mr Gilbert on two or three occasions to discuss these matters.

#### ACCESS TO INFORMATION

**Mr Brandt:** My question is for the Chairman of the Management Board of Cabinet and it is related to his responsibilities in his capacity of administrator of the Freedom of Information and Protection of Privacy Act. I would like to advise the minister that 30 days ago today I made an inquiry under the act, as is required, from the Minister of Tourism and Recreation (Mr O'Neil) in connection with certain correspondence that transpired between the minister, the Deputy Minister of Tourism and Recreation and Patricia Starr in her capacity as chairman of Ontario Place.

I have not as yet been able to receive any information; the 30 days is now up. Would the Chairman of the Management Board indicate what his intentions are with respect to meeting the obligations he and his government have under the act?

**Hon Mr Elston:** I will check into the matter. I do not know exactly when the letters were sent or otherwise. I will look into it, check with the Minister of Tourism and Recreation and report back to the honourable gentleman.

**Mr Brandt:** I am pleased to have the co-operation of the Chairman of the Management Board with regard to this matter. Had the Minister of Tourism and Recreation been in the House today, I would have addressed the question to him, but in view of the absence of both the minister and the Premier (Mr Peterson), I am asking the Chairman of Management Board, in his capacity as administrator of that particular act, that he follow through on our request to provide that material and that information as quickly as possible.

I say that because, in response to a question I raised some time ago, the minister, and I will quote him as accurately as I can, responded in this House by saying he had nothing to hide and there was no reason to delay any of this information. Do I have the assurance from the minister that this information will be provided forthwith?

**Hon Mr Elston:** The member has the assurance that I can give him that I will certainly contact the minister. The minister, when he says



that he will make available the information, is obviously accurate and I will check into the reason there has been a delay. I think there was some indication earlier suggesting that there was a request for an extension of time. Other than that, I do not know enough of the detail to provide him with an accurate answer, but I will undertake to do that.

**Mr Brandt:** The extension of time proposed, I believe, is something of the order of 90 days. That is totally unacceptable to us on this side of the House.

Quite frankly, the new vetting process that the minister has, of allowing all of this material to go through the Premier's office and then to be in some way reviewed before being released, when in fact a request has been made under the Freedom of Information and Protection of Privacy Act, would lead one to think—and I am not the type of individual who would jump to this type of conclusion—that he is almost trying to hide some information from the public or from the people of this Legislative Assembly.

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I would not suggest for a moment that the minister would attempt to do that, but will he give me this undertaking, this last day of this week of this session: Will he undertake to provide that material that has been requested under freedom of information within a matter of the next few days—not 90, as is a possibility, but within the next few days, as is required?

**Hon Mr Elston:** On this last day of this week of this session, I will undertake to check into the reasons for the delay and report back to the House. As I told the honourable gentleman and the people here, the reasons for the delay I am not familiar with; the request for an extension I am aware of and I will check as to why. The reasons that the member has expressed may have been some of them. I will check into that to see whether or not we can clear up any misunderstanding about vetting or whatever.

I know that my friend would not suggest for a moment, and in fact has clarified the fact that there is not, an attempt to hide anything. I thank him very much for that, because I know he does not usually jump to unsatisfactory and inaccurate conclusions. As the person responsible here in the government for freedom of information, I will review the matter and get back to the honourable member in a few days, as he requests.

#### POLITICAL CONTRIBUTIONS

**Mr Runciman:** My question is for the Minister of Housing, dealing with an issue raised

earlier by the member for York South (Mr B. Rae): the contribution made to her campaign from St Hilda's Towers Inc. Would the minister inform the House when she first learned of that contribution?

**Hon Ms Hošek:** My election finances were released to the Commission on Election Finances a year ago. I think it was 10 March 1988. At that time the commissioner, I assume, went through my finances, as he did everybody else's in the House, and never indicated any difficulty with them.

Since that time, I have asked that my finances be reviewed again, and if there is found to be anything inappropriate in any donations that have been made to me, I will, of course, return them.

**Mr Runciman:** I do not think there was an answer to my question in all of that. I specifically asked the minister when she first knew of the contribution made by St Hilda's.

Further along that point, in respect to the crisis surrounding the Patricia Starr matter and the contributions from the National Council of Jewish Women of Canada, Toronto Section, I am sure the minister was directed, as were all members of her caucus, to review contributions made to her campaign. Why was that money not returned following that review?

**Hon Ms Hošek:** That review is in fact going on right now. If any of the contributions are found to be inappropriate, they will be returned.

**The Speaker:** I will listen to a final supplementary. I have been listening to see how this is tied in to the ministry activities.

**Mr Runciman:** Mr Speaker, I think perhaps you should take this opportunity to listen to some of the minister's responses as well, and the fact that she is really not dealing in any direct way with the questions I am putting to her.

**The Speaker:** And your supplementary?

**Mr Runciman:** She has indicated in the House, in response to earlier questions, that the contribution was inappropriate. Is she committing herself today to return those funds? If so, when?

**Hon Ms Hošek:** I have answered this question twice, and both times I have said that if this contribution is found to be inappropriate, it will be returned. Let me say it one more time. If the contribution is inappropriate, it will be returned. I hope that is clear.

#### RETIREMENT HOMES

**Mr Morin-Strom:** I have a question for the Minister of Community and Social Services with



respect to the total lack of any regulations in place to control retirement and convalescent homes in Ontario. Residents of these homes across the province do not have the types of protections that are available to those who are in nursing homes or rest homes in our local communities.

Why have the minister's staff told my office and myself in each of the last two years, with respect to questions I have raised on Pathways retirement home in Sault Ste Marie, that they are waiting for task force guidelines to put in place regulations on these types of homes? When are we going to see some regulations providing protection to the residents of these homes?

**Hon Mr Sweeney:** The honourable member is correct that there are not, at the present time, provincial regulations on rest and retirement homes. As he has indicated, my ministry is responsible for homes for the aged and the Ministry of Health is responsible for nursing homes. That is partly to do with the fact that rest and retirement homes, when they first sprang up, were serving basically as boarding homes for older people who did not have any other needs, other than shelter and food.

Since that time, a number of municipalities have entered into contractual arrangements with rest and retirement homes in the form of domiciliary hostels. The member might be aware of the fact that we provide the funds to the municipalities to pay for this cost. Therefore, at the present time the municipality is responsible for regulating rest homes with respect to fire protection and general safety.

The member may also be aware of the fact that a joint review by both the Ministry of Health and myself is being undertaken at the present time and will be concluded in September as to the full range of long-term care for citizens of this province.

**Mr Morin-Strom:** In communities like Sault Ste Marie we have concerns with facilities that have had allegations that nursing care is going on in these facilities unregulated, and the staffing levels certainly appear to be inadequate in comparison with nursing homes or the homes for the aged.

The residents and the staff have expressed serious concern with respect to certain homes, particularly, in Sault Ste Marie, the Pathways home. We know that nursing home operations are undergoing expansions in accompanying facilities and adding tremendous number of beds that are totally unregulated by the province. The residents in these homes are paying more than

they would in nursing homes and are not being provided with the same kinds of protections.

Will the minister assure us that new regulations will be brought into place so that protections are in place for all the residents of retirement homes in Ontario and what would the date for those regulations be?

**Hon Mr Sweeney:** No, I cannot make that promise to the honourable member because we are not convinced at the present time that retirement homes, as they currently exist, are the proper place for people who have the kinds of needs that he has just described. That is why we have our homes for the aged. That is why we have nursing homes. That is why we as a ministry have put into place a range of home support services, including home care services, which do include nursing services.

Retirement homes are not intended to carry out the kind of service the member has described. They may or they may not be included in the range of services about which I spoke a couple of minutes ago. If they are, then yes, there will be a degree of regulation put in place that is not there now. If they are not, they will be clearly told by either one of our ministries that they cannot properly provide that kind of service.

#### RENT REGULATION

**Mr Jackson:** I have a question for the Minister of Housing and her Ontario Rent Registry, which is responsible for recording on computer the maximum legal rents that may be charged for residential rental stock in this province. If I may, I would like to quote briefly from the minister's annual report from 1987-88, wherein it says, "In 1987, the recording process began.... These landlords were given until 1 May 1987 to do so and the vast majority complied." It goes on to say, "These tenants may call their local rent review office to find out any available information recorded on the computer system."

That was 16 months ago. Could the minister please advise the House as to how many units have had their maximum legal rent accurately recorded and currently accessible to Ontario tenants?

**Hon Ms Hošek:** Information on 539,000 rental units is now available at the local offices. The member knows there are 1.1 million pieces of rental accommodation in the province, but this applies only to buildings with a certain number of units in them—six or more—and that is 539,000 rental units that are now on the system.



**Mr Jackson:** The minister's response intrigues me, because in her own in-house ministry document, *Chez News*, of May 1988, in an article entitled *Rent Registry Deals with Big Numbers*, it clearly is indicated that this information had begun to be sent out in November 1987 and that they had hoped to send out some 700,000, to be mailed in the middle of last year. Given those targets, I find it unusual not only that the target has not been met with the extended time frame but also that several hundred thousand copies of the 9R form were shredded internally by your ministry because you had to review the actual wording and the complexity of that form.

My question simply is this. It is my understanding that if a tenant in most cities in this province calls the rent review office, he will not get access to the computerized rent records. He has access only to manual records. I ask the minister if she would confirm that a decision has been made within her ministry not to allow that information to be made available to tenants because hundreds of thousands of tenants would be challenging the legal rent if she were to release that information to them.

**Hon Ms Hošek:** The member opposite knows that the rent registry is a very unique service. I do not think it is available anywhere else in North America. In this province, we have recorded the rents for 539,000 units. That information is freely available. Any tenant who wishes to call a rent review office and ask what is the rent registry rent for his unit is perfectly welcome to have that information; in fact, many thousands have gotten that information.

### TOURISM

**Mr Daigeler:** My question is to the Treasurer. A few days ago I received a letter from the mayor of Ottawa requesting my support for the idea of a hotel room tax which would be devoted exclusively to tourism promotion. Mr Durrell refers to press reports that the Quebec government is looking favourably on a similar request from the city of Montreal.

May I ask the Treasurer what his position is with regard to the idea of a hotel room tax, a tax that would help Ottawa and other cities increase tourism promotion without placing an additional burden on the property tax.

**Hon R. F. Nixon:** I am not very keen about it, but that does not mean it will not happen. The honourable member, in his questions, usually ends up affecting government policy one way or another.

I know that the Minister of Municipal Affairs (Mr Eakins) is convening a special review of intergovernmental financing arrangements with the municipalities, and that is the sort of thing that might be discussed there. I know the treasurer of Toronto has brought forward some similar alternatives.

It is not clear really from the question whether the present five per cent transient accommodation tax should be allocated or whether the honourable member is talking about allowing the municipalities to levy an additional tax. In either case, as I say, I am not very keen about it, but I am a little old-fashioned in many of these things and time marches on.

**Mr Daigeler:** I hope in the Treasurer's case that time does not march on too quickly. We are certainly enjoying his presence, and I hope we can continue to enjoy his presence in the House.

The minister will know that tourism is an extremely important industry for eastern Ontario. If the Treasurer, as he indicated, has reservations regarding a hotel room tax, can he advise this House what fiscal initiatives were taken in his recent budget to promote tourism across the province and what contribution for eastern Ontario we can expect from these budgetary allocations?

**Hon R. F. Nixon:** I appreciate the good wishes of the honourable member, but I warn him that if the Premier (Mr Peterson) hears him, he is liable to get his wish, and then what is he going to do? Some of these things are sometimes self-fulfilling.

What we have done for tourism is allocate \$190 million, which is up eight per cent over a year ago. Of course, what we have really done for tourism in the Ottawa and eastern Ontario area, through the good offices of the Minister of Transportation (Mr Fulton), that generous and sensitive minister, is announce a substantially improved allocation for Highway 416, which, as everybody in Ottawa knows, is the most important thing that is needed by the community, apparently. That is going to be extremely helpful when that finally provides the kind of access to Highway 401 that is greatly desired and is universally expected to be an important addition to the community.

When the honourable member talks about specific things, all I can say is that the additional money is financing a wide variety of programs, the details of which have been provided for me by my advisers and which I will make available to him.



## PLANT CLOSURES

**Mr Mackenzie:** I have a question for the Minister of Labour. While his government has been preoccupied with its friends in the construction industry, and particularly its developer friends, thousands of workers in Ontario have been losing their jobs because of the free trade deal. Just two days ago, the loss of yet another 450 jobs was announced by the Burlington Carpet plant in Brampton. This follows a number of recent major closures. When is the minister going to act on desperately needed plant closure legislation to protect workers rather than cosyng up to his business friends with bills like Bill 162?

**Hon Mbr Sorbara:** My friend the member for Hamilton East and I have probably been over some of this territory before. I must confide that every time we see a situation like the one in Brampton, one becomes terribly concerned once again as to whether in that particular instance the real economic underpinning of the decision to close that facility is driven by the trade arrangement which the government of Canada brought in, notwithstanding that the majority of the people in this country voted against that kind of trade arrangement in the election of last November 21; whether it is the free trade agreement that has led yet again to that plant closing. And let's remember who was arguing most forcefully against that agreement, certainly in Ontario.

It is imperative to point out, in light of the question, that the plant closure legislation we have in Ontario, including the notice provisions and explanations that must be provided to the government, is certainly the strongest legislation of its sort in Canada, if not in North America.

**Mr Mackenzie:** The minister's government has an unenviable record of broken promises in recent weeks, auto insurance being a classic. Can the minister tell us if the specific promises the government made, signed by the Premier, like public justification in plant closures, further notice, better severance and benefit provisions and better-paid retraining programs, are destined to be yet other broken promise in Ontario?

**Hon Mr Sorbara:** I am absolutely shocked that the member for Hamilton East should put his question in that manner. Where has he been over the past few years? Where was he during the debate on Bill 85, which put into the statutes of this province those very things he mentioned? What other province requires, before layoffs of over 50 employees can be effected, that government must be notified and the reasons, the economic basis and the plans the employer has

for those decisions, must be set out on paper and not only submitted to the government but submitted to the employees themselves, to the workers who will obviously be affected by such a decision?

In addition to that, I invite the member to drop over to the Ministry of Labour and see the kinds of programs we have in the area of employment adjustment to assist workers who may be affected by such a layoff.

The final thing to mention, of course, is that notwithstanding this closure which is going to affect some 350 workers, as I am advised—and all of us have to direct our minds immediately to those workers—the fact is that in this province over the past four years the job creation this economy has produced really has far outweighed job losses.

**The Speaker:** Thank you.

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## SEWAGE TREATMENT

**Mr Runciman:** My question is to the Minister of the Environment, about his ministry's refusal to provide funding for sewage plants in small municipalities in eastern Ontario. The minister will know that many of these plants have been identified as some of the most inefficient in the province: Brockville, Smiths Falls, Kemptville and Spencerville to name just a few. Many of these municipalities have also received word from the ministry that they may be facing development freezes.

So the municipalities are somewhat in limbo. On one hand they have the ministry telling them they have to upgrade their facilities but not prepared to provide the funding; it is all going to the major municipalities in this province. On the other hand they are telling them they have a development freeze, that they cannot proceed with new subdivisions and new commercial or industrial developments. Can the minister advise the House today whether these municipalities can proceed with new development or not?

**Hon Mr Bradley:** The member is aware that it would be irresponsible of me to allow developments to take place where there is not sufficient capacity in terms of sewage capacity for any particular municipality. It is not only in the kind of municipalities he mentioned but right across the province. Our requirement is that there be sufficient capacity before there can be further development. I think that is a very wise course of action to follow.

The member will also know that we have some \$196 million being spent in this specific year on



water and sewer projects in Ontario, both in small municipalities and large municipalities, and that in the smaller municipalities the percentage paid by the province is substantially larger than the percentage which is paid to the larger projects.

We attempt to address all those problems in a fair way. We have a committee of the Ministry of the Environment technical and scientific people who go through all the applications, who make a determination on those which would rank the highest environmentally and so on down the line. In many cases, the municipalities that come forward with the proposal would be unable to move forward with that specific proposal in a year, but they may well be eligible to have the funding in a subsequent year when its engineering documents and other explanatory material is ready.

**Mr Runciman:** The minister is saying that they rank highest in terms of the polluting impact they have. In the same breath he is saying he is not prepared to provide the necessary funding. A number of the municipalities have come up with alternate plans with respect to these million-dollar projects that have been dumped in their laps. Will the minister indicate today whether he is prepared to take a look at those alternate proposals; to defer for perhaps five years funding implementation of these construction projects, set aside funding for that period of time, providing the municipalities with the ability to reduce debenturing costs? Is the minister prepared to look at that and at the same time lift any freeze on development that he has been talking about up to this point?

**Hon Mr Bradley:** We are prepared to look at a number of options that would be available to the Ministry of the Environment. I had a list here somewhere—The member will be happy I do not have the list to read to him, because I was going to get up and read all these projects that had been approved, in eastern Ontario particularly but right across the province.

There are millions upon millions of dollars which have been allocated. I mentioned the figure of \$196 million. We have ongoing projects that started, say, three years ago and there is money allocated each year, and then new projects which come on. We are always looking for ways to work with the Ministry of Municipal Affairs, to work with other ministries to determine how we can best assist municipalities in meeting their obligations. Some municipalities, when they feel they want to proceed with a

project regardless of provincial funding, will in fact do so.

I want to assure the member. As I say, he will be delighted I do not have this list I wanted to read to him, because it is a really long list of all these projects.

**The Speaker:** You can send it to him.

**Hon Mr Bradley:** If the member asks me on Monday, I will have the list here and I will read it all to him.

#### SOCIAL ASSISTANCE

**Mr D. R. Cooke:** My question is to the Minister of Community and Social Services. When the minister announced the supports to employment program, STEP, on 18 May 1989, it was a great day for the social assistance recipients in Ontario and indeed for all citizens of Ontario. Such provisions as the elimination of financial barriers to full-time work for single parents, increasing the basic earning exemption, and allowing a special exemption for training allowances, will vastly increase the opportunities for current welfare recipients to get off social assistance and join the workforce.

Recognizing that STEP and other concurrent initiatives taken by the ministry to make the social assistance system more just, are complex and wide-ranging programs, what timetable is the minister following for their implementation?

**Hon Mr Sweeney:** The honourable member may be aware of the fact that a considerable number of people on our social assistance program are currently working on a part-time basis. Therefore, they will benefit from these new initiatives, as well as those people on the program who are not working at all.

The plan at present is to have the new employment initiatives in place by October of this year. I have been meeting with my staff almost on a daily basis for the last three or four weeks as we go through the various details that have to be put in place, both with the municipal income maintenance workers, the provincial income maintenance workers and a number of community agencies that are going to work with us to make these initiatives work.

I would point out to the honourable member also that in October of this year the \$54-million package which will make a greater number of resources available to families with dependent children will also trigger in.

**Mr D. R. Cooke:** That is good news. As we all know, Ontario is a vast province with significantly different regions, all with their own pitfalls and benefits. For instance, in Kitchener



jobs are more plentiful but housing is relatively scarce, whereas in northern Ontario the situation is the opposite. Are there any measures for the implementation of STEP that take into account the regional differences across the province?

**Hon Mr Sweeney:** There are a couple. The first one is the child care component we will be building into STEP, whereby we will be saying to single parents in particular, but some disabled families as well, "If you require child care as part of the program of getting back to employment, then you have available to you either the existing subsidized system, for which of course you would be eligible, or we will deduct from your earnings the full cost of whatever child care you do find, whether it be the informal system or the formal." That is the parent's choice. That will obviously be different all across the province, because there is either a greater or a lesser amount of child care available and there are different kinds of child care available, and the per diem rates for those kinds of child care are different across the province.

The other way it will be different is the way in which we will make use of various community agencies to participate in the opportunity planning components and in the training components that are going to assist people to get back to work. We are now consulting, from our various area offices across the province, with a number of agencies—

**The Speaker:** Thank you. That seems like a fairly comprehensive answer.

#### HIGHWAY CONSTRUCTION

**Mr Wildman:** I have a question to the Minister of Transportation. Is the minister aware of the anger and despair of the residents of Hornepayne over the deplorable condition of Highway 631, the main truck route between Highway 11 and Highway 17? If he is, how can he justify the fact that his ministry could find the funds to put three-inch hot asphalt on the parking lot of the patrol yard but could not find enough money even to put cold mix surface treatment on Highway 631?

**Hon Mr Fulton:** The member for Algoma would be very much aware of the attention we pay to highway maintenance, road maintenance and rehabilitation in this province. He brings to me a particular issue on Highway 631 which I believe we have just responded to in the mail. If he has a particular issue with respect to the patrol yard—where heavy trucks, winter equipment and heavy vehicles are being stored, where obviously a proper base is required—that he would like to

bring to my attention, as he has now, I will be only too happy to deal with it, and he knows that.

1450

**Mr Wildman:** If the minister says he needs to have hot mix on the parking lot because of the heavy trucks and equipment there, then surely he should admit that it does not make sense to postpone the cold mix paving of Highway 631 for a year, when it is the main truck route between Hearst and Marathon. Why is the minister not completing that project this year, so that the trucks from the area of the Minister of Northern Development (Mr Fontaine) will not tear it apart and people have to wreck their cars when they are travelling between Hornepayne and Hearst or Kapuskasing?

**Hon Mr Fulton:** I attempted to answer the member's question. We are addressing the needs of maintenance and rehabilitation. The Treasurer (Mr R. F. Nixon) has only recently generously added to the budgets of the Ministry of Northern Development and Mines and my ministry to do these things. Clearly if there is a situation that is unsafe, we will deal with it. He knows also that it is my plan, as soon as the opposition members let us out of here, to go up north and visibly take a look at some of these things personally.

Interjections.

**The Speaker:** Order.

#### ASSISTANCE TO FARMERS

**Mr McLean:** My question is for the Minister of Agriculture. We have asked a number of questions relating to the federal drought assistance program. I would ask that, in response to this question, the minister turn down his volume and turn up his compassion. The minister knows federal-provincial drought assistance has always gone to livestock producers. We are only asking that the same consideration be given to our cash-croppers and our horticulturalists. If the minister would only say yes to this program, this would mean an additional \$150 million for these producers. Why will the minister not say yes?

**Hon Mr Riddell:** The federal livestock drought assistance program started out right from day one as being a co-shared program between the federal government and the provincial governments. However, the drought relief program was announced by the federal government at the time of its last election and there was no mention made of provinces participating in this program. There was no consultation whatsoever with the provinces about this program. The honourable member should know that, because I



am sure he read the press release that was sent out by the Ontario Agricultural Commodity Council. This council represents about 12 different commodity groups. I quote:

“‘A clear commitment was made by federal politicians last autumn that assistance would be provided to compensate farmers to a level of 87 per cent of normal crop yields,’ stated Larry Miehl, chairman of the umbrella Ontario Agricultural Commodity Council, a (coalition of major farm groups), and himself a farmer from near Windsor,....

“‘Now we are hearing clear signals that much of the money will not come unless the provincial governments agree to pay half,’ added Miehl.”

This was certainly not part of the original commitment made by Ottawa. It is a federal program—

**The Speaker:** Thank you.

**Mr McLean:** Yesterday in this House, in response to a question by my leader, the minister said that there had been no prior—

Interjections.

**The Speaker:** Order.

**Mr McLean:** I asked the minister to turn up his compassion and turn down his volume, to which he did not listen. Yesterday in this House, in response to a question by my leader, the minister said that there had been no prior consultation on this program. Again today he says there was no prior consultation. On 7 July, at a meeting with the Ontario Agricultural Commodity Council, the Deputy Minister of Agriculture indicated that there had been prior consultation.

I do not know who is telling the truth, but I do know that the Minister of Agriculture agreed to cost-share a \$12-million drought relief program for the livestock industry, because livestock producers needed help to recover from the 1988 drought. He has refused to admit that cash-croppers and horticulturalists are equally affected.

**The Speaker:** Your supplementary would be?

**Mr McLean:** All the other provinces are willing to negotiate with the federal government on this program. Why is Ontario the only province in this country publicly refusing to participate in a program to relieve the crop losses suffered by our farmers in 1988? There have been letters sent to the Premier (Mr Peterson) and—

**The Speaker:** Thank you.

**Hon Mr Riddell:** I certainly do not intend to start negotiating on federal election promises, but where I will negotiate with the federal

government, and this is where opposition members can help me out, is that I am prepared to negotiate a tripartite arrangement on crop insurance, provided the federal government is prepared to amend the act to make it a better act for the farmers not only of this province but right across the country.

We have been asking for it now for two years. The federal government has not acted, but if it wants a tripartite arrangement on crop insurance, I will be there. I am not going to negotiate a federal election promise. It is a drought relief program that is not unlike the two previous programs of the federal government when it came in with a special grains program. This is very much the same.

#### ELECTRICITY DEMAND AND SUPPLY

**Ms Collins:** My question is to the Minister of Energy. I am interested in the statement he made this afternoon regarding parallel generation. As already mentioned, we had an interesting debate in the Legislature this morning on the resolution brought forward by the member for Durham East (Mr Cureatz).

Can the minister tell the House just how he expects parallel generation to fit into the whole demand and supply picture for the province's future electricity needs?

**Hon Mr Wong:** The private sector should play an important role in providing electricity to this province, and that is one of the underlying premises of this new policy paper.

The fact that several years ago there was no quantitative target indicates that today's numbers would suggest that the government and Ontario Hydro are beginning to take the idea of parallel generation more seriously in terms of translating policy ideas into action.

As for the adequacy, the parallel generation sector could provide as much as 10 per cent of the total electricity generated in the province by the year 2000. It has been suggested that perhaps that is not enough. Let me point out, however, that if, instead, the same electricity was supplied in terms of Darlington reactor equivalence, we would be talking about many billions of dollars' worth of spending by Ontario Hydro, not by the private sector. This would undoubtedly add to the financial—

**The Speaker:** Thank you. Perhaps the minister should leave a little material for the supplementary.

**Ms Collins:** The third party would lead us to believe that construction of a new large generating facility should have begun yesterday, while



members of the official opposition argue that we never have to build another generating facility. This question is extremely important to industry, environmentalists and all Ontarians generally.

Can the minister tell the House exactly how the government's position compares and contrasts with those views put forward by the members of the other two parties?

**Hon Mr Wong:** As the honourable member has indicated, one opposition party has one view, which is heavily emphasizing the demand side, and the other party, while I would not say it completely disagrees, believes strongly in the supply side. This government believes that both are necessary.

Furthermore, demand management should not be thought of as a short-term measure. It should be part of our ongoing ethic and the way we think in terms of the electricity supply-demand picture in this province.

On the supply side, I want to say that no option has been ruled out. Even the parallel generation policy paper that I announced today tries to remove the barriers so that the parallel generation sector can become more active.

To conclude, let me say that this government will continue to ensure that this province runs on a strong and reliable electricity system.

1500

#### ASSISTANCE FOR BLIND SENIOR CITIZENS

**Mr Philip:** To the Minister of Community and Social Services: There are about 65 blind residents, ranging in age from 75 to over 100, who will be losing their residence at Clarkewood Residence as of August 1989. The rationale of both his staff and the Canadian National Institute for the Blind for the closing down of this facility is the difficulty in providing care for these people. My question to the minister is very specific. What does he intend to do as of today to ensure that those residents receive adequate service in that facility?

**Hon Mr Sweeney:** Let me make one small correction. The decision of the CNIB, not just in Ontario but all across the country, to begin to phase out the homes it has been specifically running for its senior clients is its decision. It is not our decision. Once they had made that decision, however, staff of my ministry consulted with them as to how best to arrange for the transfer of the people who are presently receiving that service, either to another charitable facility or to a home or community support service.

As a matter of fact, I cannot remember the amount, but we gave the CNIB Clarkewood something in the neighbourhood of \$150,000 to begin to make plans for that transition. We are very much involved with CNIB on the transition. Prior to it actually taking place, the service the people will receive will continue. But I want to reiterate that this was their decision and not ours.

**Mr Philip:** The minister has not answered my question. I acknowledge that under the Charitable Institutions Act—

**Mr Ballinger:** Sure he has. You weren't listening.

**Mr Philip:** Mr Speaker, if I may continue, if the mayor of Uxbridge does not mind.

**The Speaker:** Please do.

**Mr Philip:** One has to admit that under the Charitable Institutions Act, the minister cannot tell the institution whether to close or not close, but my question was very specific. His staff admits there is inadequate care at that particular facility and that is the rationale for closing; so does the CNIB. My question to him is: What is he going to do about the inadequate care now? Also, what specifically does he intend to do to help these people, if they are going to be transferred, to have a transfer that will cause them the least amount of damage, since research clearly indicates that there is a high mortality rate for people of that age who are transferred out of their residences?

**Hon Mr Sweeney:** I thought I at least partially answered the question. We are currently joint funders with CNIB for the operation of that home, and we will continue to do that as long as those residents are there. The decision as to when to move them out and how to move them out is CNIB's responsibility. We have clearly indicated to them, and we are in fact right now co-operating with them and co-ordinating with them, as to how to move those people out.

We are working in a number of cases with the families of these residents, where those families are still available, to help us make those decisions. We have indicated in some cases, and as a matter of fact some of the residents have indicated, that if the option is available to them to move back into the community and into a supported independent living option in an apartment or in some kind of group home setting, we would make that available to them and we will provide the necessary resources. If they want to move to another home for the aged, we will provide the resources.



**Mr Philip:** What are you doing about their present condition?

**Hon Mr Sweeney:** We are doing that right now. We are providing the transitional dollars to help them do that right now. We have been working with them. We are providing resources for them to do what they need right now.

**The Speaker:** Do the member for Simcoe West (Mr McCague) and the member for Durham East (Mr Cureatz) have seatbelts on?

### AIR QUALITY

**Mr McCague:** The Minister of the Environment has a letter from a Metro councillor outlining concerns about the air quality in east Toronto. Some of that is based on a study that was done by the Adam Beck Community Health Association, which sets out that the respiratory illness in that part of the city exceeds the average by about 10 per cent. What is the minister going to do about that?

**Hon Mr Bradley:** We have a number of programs designed to meet the air quality challenges that face Ontario. I can indicate very clearly to the member, for instance, that we are the only jurisdiction that really implemented what I call low-smog gas for this particular summer. We reduced the Reid vapour pressure from 11.5 to 10.5, which means we have less evaporation of gas from both the vehicle tanks and from the pumping station tanks, which we think will have a significant effect on smog as it relates this summer to communities such as that; in fact, all over Ontario.

We hope that other jurisdictions will follow suit. We hope the people in the Ohio Valley will follow that particular lead, because the air currents bring much of that ground-level smog up into Ontario. We are making our contribution; we need our American friends to do the same. Also, we are embarking upon the clean air program in Ontario, where people will be required to have the best available technology on the stacks of any new construction taking place in the province and to be retrofitting over a period of years those stacks which are presently there.

### PETITIONS

#### NATUROPATHY

**Mr Beer:** I have two petitions, both on the same topic. I will read the first:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Whereas it is my constitutional right to have available and to choose the health care system of my preference; and

"Whereas naturopathy has had self-governing status in Ontario for more than 42 years;

"We petition the Ontario Legislature to call on the government to introduce legislation that would guarantee naturopaths the right to practise their art and science to the fullest without prejudice or harassment."

I mentioned two petitions, one with some 30 signatures, one with some 40, and I attach my name to those.

### LOTTERY PROFITS

**Mr Brown:** I have a petition signed by 16,279 individuals. It states:

"Whereas the increasing cost of health care in the province of Ontario continues to take the largest share of provincial budget at a time when health care costs exceed revenues.

"And whereas the level of demand pertaining to hospitals/nursing homes capital and operating costs are increasing, be it resolved that we the undersigned support the establishment of a provincial lottery, the proceeds from which would go to augment hospitals/nursing homes capital and operating expenses."

### MOTIONS

#### REFERRAL OF BILLS 30 AND 31

Mr Conway moved that Bill 30, An Act respecting Funeral Directors and Establishments, and Bill 31, An Act to revise the Cemeteries Act, be transferred from the standing committee on social development to the standing committee on resources development.

Motion agreed to.

#### SELECT COMMITTEE ON ENERGY

Mr Conway moved that a select committee on energy be appointed to consider Bill 204, An Act to amend the Power Corporation Act, and that the committee be composed of the following members: Mr Carrothers (Chairman), Mr Brown, Mr Charlton, Mr Cureatz, Mrs Grier, Mr McGuigan, Mr Matrundola, Mr Ray (Windsor-Walkerville), Mr Runciman, Mr South and Mrs Sullivan.

Motion agreed to.

## INTRODUCTION OF BILLS

### MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT, 1989

#### LOI DE 1989 SUR L'ACCÈS À L'INFORMATION MUNICIPALE ET LA PROTECTION DE LA VIE PRIVÉE

Mr Elston moved first reading of Bill 49, An Act to provide for Freedom of Information and Protection of Individual Privacy in Municipalities and Local Boards.

M. Elston propose la première lecture du projet de loi 49, Loi prévoyant l'accès à l'information et la protection de la vie privée dans les municipalités et les conseils locaux.

Motion agreed to.

La motion est adoptée.

**Hon Mr Elston:** The material that has gone into this bill is a reflection of a requirement under the Freedom of Information and Protection of Privacy Act, which was previously passed, that required municipalities to be included in a freedom of information and protection of privacy mandate that the committee, during a previous Parliament, had undertaken to provide.

This act, although separate from the existing legislation, will provide for those bodies, municipalities and local boards to be included in the freedom of information and protection of privacy domain.

### LANDLORD AND TENANT AMENDMENT ACT, 1989

Mr Kanter moved first reading of Bill 51, An Act to amend the Landlord and Tenant Act.

Motion agreed to.

**Mr Kanter:** The proposed amendment to the Landlord and Tenant Act will enable the residential tenant to keep a pet in his or her rented premises despite any term of a tenancy agreement unless the pet has caused a substantial nuisance to the person or property of the landlord or other tenants.

### MUNICIPAL FREEDOM OF INFORMATION STATUTE LAW AMENDMENT ACT, 1989

Mr Elston moved first reading of Bill 52, An Act to amend certain Statutes of Ontario consequent upon Enactment of the Municipal Freedom of Information and Protection of Privacy Act, 1989.

Motion agreed to.

## ONTARIO HOME ECONOMICS ASSOCIATION ACT, 1989

Ms Hart moved first reading of Bill Pr35, An Act respecting the Ontario Home Economics Association.

Motion agreed to.

**Ms Hart:** The intention of this bill is to recognize the profession of home economist and to prevent any misuse of that term.

### MUNICIPALITY OF METROPOLITAN TORONTO AMENDMENT ACT, 1989

Mr Eakins moved first reading of Bill 53, An Act to amend the Municipality of Metropolitan Toronto Act.

Motion agreed to.

**Hon Mr Eakins:** I am pleased to introduce for first reading today a bill to amend the Municipality of Metropolitan Toronto Act. The bill contains a number of amendments requested by the Metropolitan council.

The legislation will set out the functions, powers and duties of the Metropolitan Toronto Library Board as a special library service board under the Public Libraries Act, 1984. It will also make certain general provisions of that act applicable to the Metropolitan Toronto Library Board.

Bonuses to commercial and industrial enterprises will be clearly prohibited through a cross-reference to the provision in the Municipal Act which proscribes bonuses.

The Metropolitan corporation will be authorized to give grants to its area municipalities to assist them to reduce the volume of waste going to landfill sites through more recycling programs and subsidies in respect of any type of water pollution control project.

The bill also contains a number of amendments of a housekeeping nature.

### EMPLOYMENT STANDARDS AMENDMENT ACT, 1989

Mr Jackson moved first reading of Bill 54, An Act to amend the Employment Standards Act.

Motion agreed to.

**The Speaker:** Does the member have a brief explanation?

**Mr Jackson:** I am pleased to present for the attention of all members of this House a bill which deals with an amendment to the Employment Standards Act. This would allow mothers to defer part of a maternity leave in order to care for a newborn at home who is released from extended hospitalization. This generally in-



volves high-risk, low-birth-weight, premature infants who have been on extended life support systems.

While the amendment would not increase the amount of maternity leave an employee is entitled to, it would allow employees on maternity leave to resume their jobs and defer taking the unexpired portion of their leaves of absence until their children are released from hospital.

**The Speaker:** Thank you. It is not necessary to debate.

**Mr Jackson:** Thank you for giving me sufficient time to make the presentation, Mr Speaker.

#### TOWNSHIP OF SOUTH DUMFRIES ACT, 1989

Mr Eakins moved first reading of Bill 55, An Act respecting the Township of South Dumfries.

Motion agreed to.

**Hon Mr Eakins:** This bill amends the Police Village of St George Act, 1980, to extend the boundaries of the urban service area and the municipal hydroelectric service area. The bill also provides that future changes to the urban service area will be subject to approval by the Ontario Municipal Board.

The Police Village of St George Act, 1980, dissolved the police village and established urban service area and municipal hydroelectric service boundaries for the community. The township of South Dumfries, in which the former police village of St George is located, recently asked for changes to the boundaries to accommodate proposed subdivisions.

#### ORDERS OF THE DAY

House in committee of the whole.

#### WORKERS' COMPENSATION AMENDMENT ACT, 1989 (continued)

Consideration of Bill 162, An Act to amend the Workers' Compensation Act.

**Mr Reville:** Mr Chairman, maybe the Minister of Labour could move down to the little table with his toys.

**The Deputy Chairman:** Agreed.

The last time we met on this was yesterday. All amendments are now before the committee. No further amendments having been filed by any member, we have the remaining amendments that we did not yet deal with. Could I ask that the minister go back to the one that was postponed

until today, which is the amendment to section 3?  
**1520**

Section 3:

**The Deputy Chairman:** Mr Sorbara moves that section 3 be struck out and the following substituted therefor:

"3. The said act is amended by adding thereto the following section:

"5a(1) An employer, throughout the first year after an injury to a worker, shall make contributions for employment benefits in respect of the worker when the worker is absent from work because of the injury.

"(2) For the purpose of determining a worker's entitlement to benefits under a benefit plan, fund or arrangement, a worker shall be deemed, for one year after the date the injury occurred, to continue to be employed by the worker's employer on the date of the injury.

"(3) If the board finds that an employer has not complied with its obligations under subsection (1), the board may levy a penalty on the employer to a maximum of the amount of one year's contributions for employment benefits in respect of the worker.

"(4) The employer is liable to a worker for any loss the worker suffers as a result of the employer's failure to make the contributions required by subsection (1).

"(5) Contributions under subsection (1) are required only if,

"(a) the employer was making contributions for employment benefits in respect of the worker when the injury occurred; and

"(b) the worker continues to pay his or her contributions, if any, for the employment benefits while absent from work.

"(6) If a worker is injured while engaged in employment described in subsection 1(2) or (4), the worker's employer, other than the employer described in subsection 1(2) or (4), shall be deemed to be the employer for the purposes of this section.

"(7) If an employer makes contributions under subsection (1) in respect of a worker described in subsection (6), the employer described in subsection 1(2) or (4) shall reimburse the employer for the contributions.

"(8) Subsection (1) does not apply to an employer who participates in a multi-employer benefit plan in respect of a worker if, throughout the first year after the worker is injured whenever the worker is absent from work because of the injury,

"(a) the plan continues to provide the worker with the benefits to which the worker would

otherwise be or become entitled under the plan; and

“(b) the plan does not require contributions from the employer during the absence and does not require the worker to draw on the worker’s benefit credits, if any, under the plan during the absence.

(9) “A multi-employer benefit plan shall contain and, if it does not do so, shall be deemed to contain provisions sufficient,

“(a) to enable all employers who participate in the plan to be exempted under subsection 8 from the requirement to make contributions; and

“(b) to provide each worker with the benefits described in subsection (8) in the circumstances described in that subsection.

“(10) Subsection 9 shall come into force two years after the date on which this section comes into force.”

**Hon Mr Sorbara:** That is the amendment. I just want to point out what the purpose of this section is. As members of the committee will recall, the bill as initially presented to this House had a provision in it that provided that all workers who were the victims of an injury in the workplace would have benefits in the area of health care, life insurance and pensions continued, in respect of that worker, for a period of one year after the injury. This section simply continues that principle within the bill. It in fact deems that for those purposes, the worker continues in his or her employment.

In addition, it deals with the unique circumstances which apply to workers who receive those sorts of benefits through what is known as a multi-employer plan; that is, a plan where a number of employers contribute to a plan, generally trusted by employers and workers, and the benefits are available to the worker through that plan. The substance, really, of Bill 162 is not changed, but there is clarification and the resolution of a problem with multi-employer plans.

**Ms Bryden:** Bill 162 is so badly flawed that amendments cannot improve it. We believe that Bill 162 should be withdrawn.

**1543**

The committee divided on Mr Sorbara’s amendment to section 3, which was agreed to on the following vote:

Ayes 43; nays 0.

Section 3, as amended, agreed to.

Section 8:

**The Deputy Chairman:** Mr Sorbara moves that section 8 of the bill be struck out and the following substituted therefor:

“8. Section 28 of the said act, as amended by the Statutes of Ontario, 1982, chapter 61, section 2, is repealed.”

**Mr Charlton:** Bill 162 is so badly flawed that amendments cannot improve it. We believe that Bill 162 should be withdrawn.

**Hon Mr Sorbara:** I am not sure I am going to change the mind of the member for Hamilton Mountain (Mr Charlton), although I probably should just put on the record the purpose of this section, which really just repeals a section of the act which has not only fallen into disuse but is now inappropriate to remain.

The current act permits schedule 2 employers to commute their liability for an injured worker’s claim by purchasing an annuity from a life insurance company. This can be done six months after payment to a worker has commenced. The annuity is payable to the Workers’ Compensation Board. This amendment obviously, as everyone can see, will delete that provision from the act.

I see a twinkle in the eye of my friend the member for Hamilton Mountain. Perhaps he has changed his mind, at least on this section, and he will allow us to carry on to the next amendment without a vote.

**1602**

The committee divided on Mr Sorbara’s amendment to section 8, which was agreed to on the following vote:

Ayes 45; nays 0.

Section 8, as amended, agreed to.

Section 9 agreed to.

Section 10:

**The Deputy Chairman:** Mr Sorbara moves that subsection 10(1) of the bill be struck out and that the following be substituted therefor:

“(1) Section 36 of the said act, as re-enacted by the Statutes of Ontario, 1984, chapter 58, section 9, and amended by 1985, chapter 3, section 1, is further amended by adding thereto the following subsections:

“(1a) The spouse of a deceased worker may apply to the board within one year after the worker’s death for a vocational rehabilitation assessment and, after an assessment, the board shall provide a vocational rehabilitation program to the spouse if the board considers it appropriate to do so.

“(1b) Subsections 54a(11) and (12) apply with respect to a vocational rehabilitation program provided to a spouse.”

**Hon Mr Sorbara:** The spousal provisions of the current act authorize the Workers’ Compen-



sation Board to provide vocational rehabilitation services to a surviving spouse. When I say "authorize," that is, they are permissive. Bill 162 in its original form amended those provisions to extend the board's timeliness obligations to these provisions as well; that is, that the board would provide a surviving spouse the same benefits.

Requiring the board to contact the surviving spouse within 45 days of the deceased worker's accident would deny the benefit to the spouse if the worker himself or herself died later than the 45-day period. The amendment that I have moved and you, Mr Chairman, have just repeated at the insistence of, I think, the member for Algoma (Mr Wildman) extends a right to the spouse to request a vocational rehabilitation assessment within a reasonable period of time following the actual death of the injured worker, so that it is following the death rather than the accident.

This will ensure that the kinds of programs and vocational rehabilitation that are available under the bill to an injured worker would be provided as well to the spouse of that injured worker if the injured worker passes away. It is in complete accordance with the spirit of this bill on vocational rehabilitation.

**Mr Philip:** Unfortunately, the spirit of this bill is entirely wrong. Bill 162 is so badly flawed that amendments cannot improve it, and therefore Bill 162 should be withdrawn, not amended.

**1625**

The committee divided on Mr Sorbara's amendment to subsection 10(1), which was agreed to on the following vote:

Ayes 44; nays 0.

**The Vice-Chairman:** Mr Sorbara moves that subsection 36(13) of the act, as set out in subsection 10(2) of the bill, be amended by inserting at the end thereof "in respect of the deceased worker."

**Hon Mr Sorbara:** This amendment clarifies that the integration of benefits payable under the Workers' Compensation Act and under Canada pension plan and Quebec pension plan are just those that result from survivor benefits resulting from the death of the same worker.

**Mr Morin-Strom:** The minister knows that thousands of workers across the province have indicated to him that this bill is not acceptable the way it is. The bill is so badly flawed that no set of amendments can possibly fix it. We call upon the minister to withdraw this bill now and go back to the drawing board.

**1642**

The committee divided on Mr Sorbara's amendment to subsection 10(2), which was agreed to on the following vote:

Ayes 47; nays 0.

Section 10, as amended, agreed to.

Section 11:

**The Deputy Chairman:** The next government amendment is to section 11.

**Hon Mr Sorbara:** This is one of the amendments that was stood down yesterday dealing with section 11.

**The Deputy Chairman:** Mr Sorbara moves that subsection 40(3) of the act, as set out in subsection 11(2) of the bill, be struck out and the following substituted therefor:

"(3) In determining the amount to be paid under clause (2)(b), the board shall have regard to any disability payments the worker receives under the Canada pension plan and the Quebec pension plan with respect to the injury and, if subclause (2)(b)(i) or (ii) applies, the compensation shall be a periodic amount proportionate to the degree of disability resulting from the injury as determined by the board."

**Mr Kormos:** This bill is so thoroughly, utterly, completely flawed, I have got to tell members, that the injured workers of Welland-Thorold, the trade unionists of Welland-Thorold, the families of Welland-Thorold, youngsters and old people alike, factory workers, retail workers, retired people, senior citizens from Welland-Thorold, highway workers working on Highway 406, which has been blocked for some good chunk of time now, at least northbound—

**The Deputy Chairman:** Excuse me. The member for Halton Centre, on a point of order.

**Mrs Sullivan:** Mr Chairman, I believe the member is out of order in speaking generally. He should be addressing specifically the motion on subsection 11(2).

**Mr Kormos:** I digressed, albeit briefly.

The amendment proposed, along with the bill, is such that it simply cannot cure the horrible flaws contained in Bill 162. We believe so enthusiastically that Bill 162 cannot be amended, is so badly flawed, is so antiworker, so anti-injured worker, so anti member of the community that it has to be withdrawn.

**1703**

The committee divided on Mr Sorbara's amendment to section 11, which was agreed to on the following vote:

Ayes 43; nays 0.

Section 11, as amended, agreed to.

Section 12:

**The Deputy Chairman:** Mr Sorbara moves that subsection 41(1) of the act, as set out in section 12 of the bill, be struck out and the following substituted therefor.

“(1) For the purposes of this act, the maximum amount of average earnings upon which the loss of earnings is to be calculated,

“(a) effective on the day this subsection comes into force, is the maximum amount of average earnings determined under this section as it read immediately before this subsection came into force;

“(b) effective on the 1st day of January of the year following the year in which this section comes into force, is \$42,000; and

“(c) effective on the 1st day of January of each year after the effective date for the amount in clause (b), is 175 per cent of the average industrial wage for Ontario for the year, determined in accordance with subsection 2.

“(1a) Part IV of this act does not apply to the maximum amount of average earnings determined under subsection 1.”

**Hon Mr Sorbara:** This is the section of Bill 162, as amended now with this amendment, which will raise the ceiling on insurable earnings, ultimately to 175 per cent of the average industrial wage. Just to give you an example of the effect of this when this section is in force, were this section in force today, the ceiling on insurable earnings would be approximately \$44,000.

This is a very important section for many workers in the province, because many workers earn above the average ceiling which is currently provided for in the act; that is, about \$35,600. You can imagine the impact on a worker who is totally disabled as a result of a workplace injury and who earns more than \$36,000 to find that under the system that he or she relies upon, all of his or her earnings are not insured.

With this amendment, when this amendment is fully implemented—

**Mr. Charlton:** This bill should make it 100 per cent.

**Hon Mr Sorbara:** I say to my friend the member for Hamilton Mountain that when this amendment is fully implemented, the earnings of some 96 per cent of the working people of this province will be covered.

We think it is very important to ensure that this gets carried, so I hope that my friends in the New

Democratic Party, who have not supported the other amendments, will see that it is very important to support this one. I am sure they would not want to go on the record as not supporting this.

**Mr Wildman:** On behalf of all of those injured workers in the province who this minister and his government claim are overcompensated, I say that this bill is so badly flawed that it is beyond repair and we believe the bill should be withdrawn and the minister should consult with the injured workers' groups and the labour movement to ensure that a proper bill is brought in.

1725

The committee divided on Mr Sorbara's amendment to section 12, which was agreed to on the following vote:

Ayes 43; nays 0.

Section 12, as amended, agreed to.

1740

The committee divided on whether sections 13 and 14 should stand as part of the bill, which was agreed to on the following vote:

Ayes 47; nays 0.

Section 15:

**Hon Mr Sorbara:** I notice, just before I get into section 15, because it is rather long and will deal with a very significant part of the thrust of this bill, that there are, as I look at my notes, some six amendments to section 15 of the bill, which deals with section 45 of the act.

Members should note that really this is the heart and soul of Bill 162 along with those provisions that deal with re-employment and, as well, vocational rehabilitation.

There is in the amendments in section 15 a minor amendment, the second one in fact, which deals with a matter that was introduced yesterday. That was the one we put together into two sections so that we could be absolutely sure that all matters and all pensions dealt with in this bill are indexed in accordance with the bill that we passed in this Parliament to ensure indexation of all matters under workers' compensation.

**The Deputy Chairman:** The clock has reached 5:45 and I remind all members of the terms of the special order on which we are proceeding today. It reads, in part, as follows:

“On the second of these sessional days, at 5:45 pm, the Chairman of the committee of the whole House shall put all questions necessary to dispose of every section of the bill and any amendments thereto, not yet passed, including those proposed



amendments not yet moved which shall be deemed to be moved, as well as the title, and shall report the bill forthwith to the House," etc.

At this stage, I will therefore indicate that the remaining amendments not yet moved are deemed to have been moved and we will dispose of all the remaining questions.

**Hon Mr Conway:** I thought that I might just see whether or not we could—

**Mr Wildman:** I thought Jack Stokes was the only railroader who served in this assembly.

**Hon Mr Conway:** Listen, I know my friend the member for Algoma and I know he is a man of very good intentions, but given the provisions of the time allocation motion that has been passed by the House, I was wondering whether or not we could have one bell to call in the members to take all of the questions that are to be disposed of to meet the requirements of the time allocation; whether we could do that, call in the members once and then begin to put the questions and take the questions, if that is agreeable.

**The Deputy Chairman:** Is it agreed by the other two parties? The opposition House leader?

**Mr Wildman:** Oh, what the hell.

**The Deputy Chairman:** The third party House leader? Agreed.

**1800**

**The Deputy Chairman:** We have a number of amendments that are all deemed to have been moved. I shall take them in order. There are six amendments to section 15.

The committee divided on Mr Sorbara's amendments to section 15 of the bill, which were agreed to on the following vote:

Ayes 51; nays 0.

Section 15, as amended, agreed to.

The committee divided on Mr Sorbara's amendment to section 16, which was agreed to on the same vote.

Section 16, as amended, agreed to.

Sections 17 and 18 agreed to.

The committee divided on Mr Sorbara's amendment to section 19, which was agreed to on the same vote.

Section 19, as amended, agreed to.

The committee divided on Mr Sorbara's amendments to section 20, which were agreed to on the same vote.

**1810**

Section 20, as amended, agreed to.

Sections 21 to 23, inclusive, agreed to.

The committee divided on Mr Sorbara's amendment to section 24, which was agreed to on the same vote.

Section 24, as amended, agreed to.

The committee divided on Mr Sorbara's amendment to section 25, which was agreed to on the same vote.

Section 25, as amended, agreed to.

Section 26 agreed to.

The committee divided on Mr Sorbara's amendment to section 27, which was agreed to on the same vote.

Section 27, as amended, agreed to.

The committee divided on Mr Sorbara's amendment to section 28, which was agreed to on the same vote.

Section 28, as amended, agreed to.

The committee divided on Mr Sorbara's amendment to section 29, which was agreed to on the same vote.

Section 29, as amended, agreed to.

The committee divided on Mr Sorbara's amendment to section 30, which was agreed to on the same vote.

Section 30, as amended, agreed to.

Section 31 agreed to.

Bill, as amended, ordered to be reported.

On motion by Mr Conway, the committee of the whole House reported one bill with certain amendments.

## BUSINESS OF THE HOUSE

**Hon Mr Conway:** Pursuant to standing order 13, I would like to indicate the business of the House for the coming week.

On Monday 24 July, we will deal with third reading of Bill 162.

On Tuesday 25 July, we will deal with Bill 24, the Gasoline Tax Amendment Act, and Bill 93, the Justices of the Peace Act, in committee of the whole House, followed by a debate on interim supply and a motion to amend the standing orders of the Legislative Assembly.

On Wednesday 26 July and Thursday 27 July, we will consider Bill 194 in committee of the whole House.

On Thursday, in the morning, we will consider private members' public business standing in the names of the member for Durham Centre (Mr Furlong) and the member for Rainy River (Mr Hampton).

The House adjourned at 1817.

## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

Second Session, 34th Parliament

**Lieutenant Governor: Hon Lincoln M. Alexander, PC, QC**

Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
 Beer, Charles (York North L)  
 Black, Kenneth H. (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon James J.**, Minister of the Environment (St Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breaugh, Michael J. (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon Elinor**, Minister of Health (Oriole L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
 Collins, Shirley (Wentworth East L)  
**Conway, Hon Sean G.**, Minister of Mines (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L. (Durham East PC)  
**Curling, Hon Alvin**, Minister of Skills Development (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St Catharines-Brock L)  
**Eakins, Hon John F.**, Minister of Municipal Affairs (Victoria-Haliburton L)  
**Edighoffer, Hon Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon Murray J.**, Chairman of the Management Board of Cabinet and Minister of Financial Institutions (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)

**Fontaine, Hon René**, Minister of Northern Development (Cochrane North L)  
**Fulton, Hon Ed**, Minister of Transportation (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
**Grandmaître, Hon Bernard C.**, Minister of Revenue (Ottawa East L)  
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)  
 Haggerty, Ray (Niagara South L)  
 Hampton, Howard (Rainy River NDP)  
 Harris, Michael D. (Nipissing PC)  
 Hart, Christine E. (York East L)  
 Henderson, D. James (Etobicoke-Humber L)  
**Hošek, Hon Chaviva**, Minister of Housing (Oakwood L)  
 Jackson, Cameron (Burlington South PC)  
 Johnson, Jack (Wellington PC)  
 Johnston, Richard F. (Scarborough West NDP)  
 Kanter, Ron (St Andrew-St Patrick L)  
**Kerrio, Hon Vincent G.**, Minister of Natural Resources (Niagara Falls L)  
 Keyes, Kenneth A. (Kingston and The Islands L)  
 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
**Kwinter, Hon Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
 Laughren, Floyd (Nickel Belt NDP)  
 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
 Lipsett, Ron (Grey L)  
 Lupusella, Tony (Dovercourt L)  
 MacDonald, Keith (Prince Edward-Lennox L)  
 Mackenzie, Bob (Hamilton East NDP)  
 Mahoney, Steven W. (Mississauga West L)  
**Mancini, Hon Remo**, Minister without Portfolio (Essex South L)  
 Marland, Margaret (Mississauga South PC)  
 Martel, Shelley (Sudbury East NDP)  
 Matrundola, Gino (Willowdale L)  
 McCague, George R. (Simcoe West PC)  
 McClelland, Carman (Brampton North L)  
 McGuigan, James F. (Essex-Kent L)  
 McGuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)  
**McLeod, Hon Lyn**, Minister of Colleges and Universities (Fort William L)  
 Miclash, Frank (Kenora L)



Miller, Gordon I. (Norfolk L)

Morin, Gilles E. (Carleton East L)

Morin-Strom, Karl E. (Sault Ste Marie NDP)

Neumann, David E. (Brantford L)

Nicholas, Cindy (Scarborough Centre L)

Nixon, J. Bradford (York Mills L)

**Nixon, Hon Robert F.**, Deputy Premier and Treasurer of Ontario and Minister of Economics (Brant-Haldimand L)

**Oddie Munro, Hon Lily**, Minister of Culture and Communications (Hamilton Centre L)

Offer, Steven (Mississauga North L)

**O'Neil, Hon Hugh P.**, Minister of Tourism and Recreation (Quinte L)

O'Neill, Yvonne (Ottawa-Rideau L)

Owen, Bruce (Simcoe Centre L)

**Patten, Hon Richard**, Minister of Government Services (Ottawa Centre L)

Pelissero, Harry E. (Lincoln L)

**Peterson, Hon David R.**, Premier and President of the Council and Minister of Intergovernmental Affairs (London Centre L)

Philip, Ed (Etobicoke-Rexdale NDP)

**Phillips, Hon Gerry**, Minister of Citizenship (Scarborough-Agincourt L)

Poirier, Jean, Deputy Speaker and Chairman of the Committees of the Whole House (Prescott and Russell L)

Pollock, Jim (Hastings-Peterborough PC)

Polsinelli, Claudio (Yorkview L)

Poole, Dianne (Eglinton L)

Pope, Alan W. (Cochrane South PC)

Pouliot, Gilles (Lake Nipigon NDP)

Rae, Bob (York South NDP)

**Ramsay, Hon David**, Minister of Correctional Services (Timiskaming L)

Ray, Michael C., Deputy Chairman of the Committees of the Whole House (Windsor-Walkerville L)

Reville, David (Riverdale NDP)

Reycraft, Douglas R. (Middlesex L)

**Riddell, Hon Jack**, Minister of Agriculture and Food (Huron L)

Roberts, Marietta L. D. (Elgin L)

Runciman, Robert W. (Leeds-Grenville PC)

Ruprecht, Tony (Parkdale L)

**Scott, Hon Ian G.**, Attorney General and acting Solicitor General and minister responsible for native affairs (St George-St David L)

Smith, David W. (Lambton L)

Smith, E. Joan, (London South L)

Sola, John (Mississauga East L)

**Sorbara, Hon Gregory S.**, Minister of Labour (York Centre L)

South, Larry (Frontenac-Addington L)

Sterling, Norman W. (Carleton PC)

Stoner, Norah (Durham West L)

Sullivan, Barbara (Halton Centre L)

**Sweeney, Hon John**, Minister of Community and Social Services (Kitchener-Wilmot L)

Tatham, Charlie (Oxford L)

Velshi, Murad (Don Mills L)

Villeneuve, Noble (Stormont, Dundas and Glengarry PC)

**Ward, Hon Christopher C.**, Minister of Education (Wentworth North L)

Wildman, Bud (Algoma NDP)

**Wilson, Hon Mavis**, Minister without Portfolio (Dufferin-Peel L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

**Wong, Hon Robert C.**, Minister of Energy (Fort York L)

**Wrye, Hon William**, Minister of Consumer and Commercial Relations (Windsor-Sandwich L)

\*The alphabetical list of members appears in each issue. Lists of the members of the executive council, parliamentary assistants and members of committees, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.

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